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KAREN B. MARTINEZ
OFFICIAL COURT REPORTER

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P R O C E E D I N G S

Friday, September 12, 2014 9:25 a.m.

(OPEN COURT, DEFENDANT AND JURY PRESENT)

(Witness on the stand)

THE COURT: Good morning, ladies and gentlemen.

SEVERAL JURY MEMBERS: Good morning.

THE COURT: Everyone see I'm holding up the blue card; is that right?

SEVERAL JURY MEMBERS: Yes.

THE COURT: You're all smiling. A lot of you are reaching for your blue cards and you don't have to do that. You just have to assure me, if you can, that you have continued to follow those instructions over the evening until you returned to us.

Did you do that?

SEVERAL JURY MEMBERS: Yes.

THE COURT: We thank you.

We're starting a little later, sorry. Got here, more boxes. And it was my decision that -- get everything marked, organized, everything, where everyone can look at it and do whatever to speed up what is sometimes a cumbersome and monotonous process. And so I left you back there with the smorgasbord you brought in and your coffee. I figured you're more comfortable

1 there than coming in and out of the courtroom. That was
2 largely my decision approving the lawyers getting it all
3 marked so it flows more smoothly when you're in the
4 courtroom.

5 Is everyone good to go?

6 SEVERAL JURY MEMBERS: Yes.

7 THE COURT: All right.

8 State, ready to proceed?

9 MS. RAY: Yes, Your Honor.

10 THE COURT: Defense ready to proceed?

11 MS. KEENE: We are, Judge.

12 THE COURT: All right. Still your witness,

13 Ms. Ray.

14 MS. RAY: Thank you, Your Honor.

15 May I approach the witness?

16 THE COURT: Yes.

17 INVESTIGATOR SHANNON FALLENTINE,

18 having been previously duly sworn, testified as follows:

19 DIRECT EXAMINATION CONTINUES

20 BY MS. RAY:

21 Q. Investigator Fallentine, I'm showing you what has
22 previously been marked as State's Exhibit 200 and 200-A.
23 Have you seen State's 200 and 200-A before?

24 A. Yes, I have.

25 Q. Okay. And what are State's 200 and 200-A?

1 A. SFR-18, white colored dishtowel with areas of
2 apparent blood, from evidence marker 17, collected March
3 21st, 2011.

4 Q. And have you had a chance to look at State's
5 Exhibit 200 and 200-A to find your markings?

6 A. Yes, I have.

7 Q. And you did that prior to the jury coming in,
8 just about five minutes ago?

9 A. Yes, I did.

10 Q. And are -- 200 and 200-A, do they have markings
11 of other individuals?

12 A. Yes, they do.

13 Q. Other than the markings of the other individuals,
14 are 200 and 200-A in the same condition they were when
15 you packaged them?

16 A. Yes, they are.

17 MS. RAY: Your Honor, I offer 200 and 200-A,
18 after tendering to Defense Counsel.

19 MS. KEENE: Can I take the witness on voir
20 dire?

21 THE COURT: Yes, you may.

22 VOIR DIRE EXAMINATION

23 BY MS. KEENE:

24 Q. Inside 200-A is a white paper and brown paper; is
25 that correct?

1 A. Yes, ma'am.

2 Q. And is that -- does that have any writings on it
3 at all?

4 A. Yes, it does. The brown paper bag is what I used
5 to collect it initially on scene and the white paper is
6 what I covered it with in the lab, both of which have my
7 initials on them.

8 Q. Other than your initials verifying that it's what
9 you collected, does it have any other writing on it, and
10 the date?

11 A. No, it does not.

12 Q. And then as far as in 300 -- or 200 itself, did
13 you actually mark the rag?

14 A. Yes, I did.

15 Q. Can you show me where on the rag you marked it?

16 Okay. So you marked the tag?

17 A. Yes, ma'am.

18 Q. And it's blurred out, but it was also wet when
19 you probably marked it?

20 A. Yes, ma'am. It's also a weave, so it will blur.

21 Q. But you feel confident that's your markings, even
22 though it's blurred out?

23 A. Yes, ma'am.

24 Q. There's also some holes with markings on it. So
25 there's more than just markings on the towel. There's

1 also holes in it?

2 A. Correct. That's intervention from a separate
3 party. Otherwise, it is the condition that I collected
4 it in.

5 Q. Okay. Where there's a hole -- where there's
6 holes and not a marking, was it in that condition when
7 you picked it up, that way?

8 A. Yes, the burn holes.

9 Q. Okay. So if there's a hole and marking, that's
10 something else, lab or somebody else did that?

11 A. Correct.

12 MS. KEENE: Okay. Judge, then I have no
13 objection to 200-A and 200 for all purposes.

14 THE COURT: All right. State's 200, bag and
15 contents, admitted all purposes; 200-A, admitted -- you
16 offered it for the record only?

17 MS. RAY: Yes, Your Honor.

18 THE COURT: -- for the record only.

19 (State's Exhibit No. 200, 200-A admitted)

20 DIRECT EXAMINATION CONTINUES

21 BY MS. RAY:

22 Q. Ms. Fallentine, I'm now showing you what has been
23 marked as State's Exhibit 199, State's 199-A and 199-B.
24 Are you familiar with these items?

25 A. Yes, I am.

1 Q. And what is State's Exhibit 199, 199-A and 199-B?

2 A. Original packaging, as well as laboratory
3 packaging and item SFR-23, black and white colored
4 button-up shirt, from evidence marker 22. It was on top
5 of the love seat, collected March 21st, 2011.

6 Q. And have you had an opportunity to look for your
7 markings on State's Exhibit 199, 199-A and 199-B?

8 A. Yes, I have.

9 Q. And do you see markings from other people?

10 A. Yes, I do.

11 Q. And other than the markings on -- from other
12 people, are State's Exhibit 199, 199-A and 199-B in the
13 same condition they were when you packaged them?

14 A. Yes, they are.

15 MS. RAY: I offer 199 for all purposes,
16 199-A and 199-B for purposes of the record.

17 MS. KEENE: And may I take the witness on
18 voir dire?

19 THE COURT: Yes, you may.

20 VOIR DIRE EXAMINATION

21 BY MS. KEENE:

22 Q. You are already opening up and showing me your
23 initials "SR"?

24 A. Yes, ma'am.

25 Q. And that's -- is that what you use to verify that

1 this is, indeed, the same shirt?

2 A. Yes, ma'am.

3 Q. And it appears to you there's other markings on
4 here, that the lab also did some work on this?

5 A. Yes, ma'am.

6 Q. And that's what the other markings are?

7 A. Yes, ma'am.

8 Q. That was not -- there wasn't a marking of CP or
9 something when you collected it?

10 A. No, ma'am.

11 Q. Okay. Did you put -- here we go. Is that your
12 marking right here? Am I seeing it -- did you put it in
13 the can?

14 A. Yes, ma'am.

15 Q. Okay.

16 MS. KEENE: Judge, I have no objection to
17 199-A and B for purposes of the record and 199 for all
18 purposes.

19 THE COURT: All right. For purposes of the
20 record I'm going to ask the attorneys -- they advised me
21 of this in private. There are many items that appear to
22 be in what looks like new Ziploc bags and it's my
23 understanding items removed from the evidence packaging
24 is described in the record, offered for the record, has
25 been put into new Ziploc bags by the court reporter at

1 the direction of the parties in the presence of
2 everyone.

3 For purposes of trial publication, it's the
4 contents of the bag that's being offered; is that an
5 accurate understanding on my part?

6 MS. RAY: Yes, Your Honor. The items were
7 placed in Ziploc bags.

8 THE COURT: That were previously in the
9 paper containers or cans or whatever might be in
10 evidence that were used for storage, that was done for
11 trial publication?

12 MS. RAY: Yes, Your Honor.

13 THE COURT: All right. And, Ms. Keene, you
14 agree with that?

15 MS. KEENE: Yes.

16 THE COURT: All right. Then 199, the baggie
17 and contents, is admitted, State's exhibit. State's
18 199-A and B are each admitted for the record only.

19 (State's Exhibit No. 199, 199-A, 199-B
20 admitted)

21 DIRECT EXAMINATION CONTINUES

22 BY MS. RAY:

23 Q. Investigator Fallentine, I'm showing you what has
24 been marked as 193 and 193-A. Can you take a look at
25 those? Have you seen State's Exhibit -- what are

1 State's Exhibits 193 and 193-A?

2 A. It's the packaging and item SFR-36, a wooden
3 knife block containing three black-handled knives,
4 evidence marker 35, in the kitchen of the unit,
5 collected March 21st, 2011.

6 Q. And did you recently have an opportunity to look
7 at State's Exhibit 193 and 193-A to find your markings?

8 A. Yes, I did.

9 Q. And are there markings from other individuals?

10 A. Yes, there are.

11 Q. Other than the markings from other individuals,
12 are State's Exhibit 193 and 193-A in the same condition
13 they were when you packaged them?

14 A. Yes, they are.

15 MS. RAY: Your Honor, I offer State's
16 Exhibit 193 and 193-A, after tendering to Defense
17 Counsel.

18 MS. KEENE: Judge, may I take the witness on
19 voir dire? She already knows the question.

20 VOIR DIRE EXAMINATION

21 BY MS. KEENE:

22 Q. Show me your markings.

23 And I believe I see an "SR". I believe so,
24 yes. And is that how you identify it as from being the
25 same block that you took from the Presidents Corner

1 apartment?

2 A. Yes, ma'am.

3 Q. As far as -- and there's also paper contained
4 inside of 193-A. Does that have any markings on it,
5 other than your initials?

6 A. My initials and my ID number.

7 Q. Okay. Is there any other writing at all on it?

8 A. Yes. There is writing from a separate party.

9 Q. So from like lab work or whatever?

10 A. Correct.

11 Q. Okay.

12 MS. KEENE: I have no objection to 193 for
13 all purposes and 193-A for purposes of the record.

14 THE COURT: All right. Just so I'm clear
15 what I'm looking at -- off the record.

16 (Discussion off the record)

17 THE COURT: Okay. Let's go back on the
18 record.

19 Since Karen can't write this down, the
20 parties have agreed, there is a grocery-colored evidence
21 storage sack that's marked for the record as 193-A.
22 Removed from it and marked is a white wrapping
23 surrounding and including what's been described in a
24 record as a knife block and three knives. So the
25 sticker is on the white outer wrapping, but the

1 wrapping, the block and the three knives, are all
2 offered as one package. And the wrapping is to help
3 keep stuff, smoke and all that that's on the block, it's
4 able to handle it and protect it for purposes of storage
5 and publication.

6 So you're offering the white material and
7 the block contained therein and the three knives?

8 MS. RAY: As 193, yes, Your Honor.

9 THE COURT: Yes. And the Defense
10 understands that.

11 MS. KEENE: We do, Judge. We have no
12 objection to that.

13 THE COURT: All right. So in case those
14 things were to be separated, it's all one package and
15 one exhibit. But the individual items of the block and
16 what's described in the record as three kitchen knives
17 are not individually marked. It's all one unit.

18 And 193 is admitted as offered, the whole
19 package of materials. And 193-A is admitted for the
20 record only.

21 (State's Exhibit No. 193, 193-A admitted)

22 DIRECT EXAMINATION CONTINUES

23 BY MS. RAY:

24 Q. Investigator Fallentine, I'm showing you what's
25 previously been marked as 194, 194-A and 194-B. Take a

1 look at those items?

2 What are they?

3 A. Packaging and a box containing item 13B, as in
4 boy. A black-handled, long-blade knife, with unknown
5 red stain. This is going to be from the bar top at
6 evidence marker 12, collected March 21st, 2011.

7 Q. And did you have an opportunity to look to see if
8 you recognize your markings on State's Exhibit
9 194, 194-A and 194-B?

10 A. Yes, I did.

11 Q. And did you do that?

12 A. Yes.

13 Q. And did you see markings belonging to other
14 people?

15 A. Yes, I did.

16 Q. Other than the markings from other people, are
17 State's Exhibit 194, 194-A and 194-B in the same
18 condition they were when you packaged them?

19 A. Yes, they are.

20 MS. RAY: And, Your Honor, I offer State's
21 Exhibit 194, 194-A and 194 -- sorry -- 194 for all
22 purposes, 194-A and 194-B for purposes of the record
23 only.

24 MS. KEENE: And I'm taking the witness on
25 voir dire. May I?

1 THE COURT: Yes, you may.

2 VOIR DIRE EXAMINATION

3 BY MS. KEENE:

4 Q. You just pointed to me a super tiny "SR"; is that
5 correct?

6 A. Yes, ma'am.

7 Q. And is that how you recognize this knife,
8 basically?

9 A. Yes, it is.

10 Q. What is 194.

11 MS. KEENE: And, Judge, this may be a good
12 item to put in the two-gallon sack.

13 THE COURT: Off the record.

14 (Discussion off the record)

15 MS. RAY: I have no objection, Your Honor.

16 THE COURT: All right.

17 MS. KEENE: And I have no objection as
18 offered.

19 THE COURT: All right. Then 194-A and
20 194-B, State's exhibits, admitted for the record.
21 State's 194, described in the record as a knife, is
22 admitted, and it and the protective paper have all been
23 placed in the two-gallon Ziploc bag for purpose of the
24 exhibition and publication, but the exhibit's marked on
25 the face of the exhibit.

1 (State's Exhibit No. 194, 194-A, 194-B
2 admitted)

3 DIRECT EXAMINATION CONTINUES

4 BY MS. RAY:

5 Q. Investigator Fallentine. I'm now handing you
6 what's been marked as 195, 195-A and 195-B. And what
7 are those?

8 A. This is the packaging and a box containing
9 SFR-37, two brown-handled kitchen knives from the
10 kitchen countertop, at evidence marker 36, collected
11 March 21st, 2011.

12 Q. And have you had an opportunity to examine it and
13 see if you can find your markings?

14 A. Yes, I have.

15 Q. And did you find your markings?

16 A. Yes, I did.

17 Q. Other -- were -- did you also notice markings of
18 other individuals?

19 A. Yes, I did.

20 Q. Other than the markings by other people, are
21 State's Exhibit No. 195, 195-A and 195-B in the same
22 condition they were when you packaged them?

23 A. Yes, they are.

24 Q. And 195-A has been placed in a Ziploc bag,
25 correct?

1 A. Yes.

2 Q. Okay. And did you do that, did you put it in the
3 Ziploc bag?

4 A. No.

5 MS. RAY: Your Honor, at this time I offer
6 State's Exhibit 195, 195-A -- I'm sorry -- 195 for all
7 purposes, 195-A and B for purposes of the record only.

8 MS. KEENE: And, Judge, may I take the
9 witness on voir dire?

10 THE COURT: Yes.

11 VOIR DIRE EXAMINATION

12 BY MS. KEENE:

13 Q. You've just shown me your initials on the butt of
14 the blade. Is that what you described that?

15 A. The base of the blade near the handle.

16 Q. The base of the blade near the handle.

17 And is that how -- is that the -- what you
18 used to identify and know that's the same knives that
19 you recovered from the scene?

20 A. Yes, ma'am.

21 Q. The white paper, is that -- that's what you --
22 there's no other markings on it other than your evidence
23 markers and your initials?

24 A. That's correct.

25 MS. KEENE: Judge, I have no objection to

1 State's Exhibit No. 195, although I need to look at
2 these.

3 I have no objection to 195-B for purposes of
4 the record.

5 THE COURT: Or A? Or A?

6 MS. KEENE: Or A.

7 THE COURT: All right. State's 195-A,
8 195-B, admitted for the record only. For the record,
9 195 looks to me, again, like a court reporter Ziploc
10 bag. It's the contents. What's been described as white
11 paper and two kitchen knives that's offered into
12 evidence as placed in 195, the bag, for publication
13 purposes.

14 Am I correct in that?

15 MS. RAY: Yes, Your Honor.

16 THE COURT: Joetta, do you agree?

17 MS. KEENE: Yes.

18 THE COURT: All right. Then 195 and
19 contents are all admitted for all purposes.

20 (State's Exhibit No. 195, 195-A, 195-B
21 admitted)

22 DIRECT EXAMINATION CONTINUES

23 BY MS. RAY:

24 Q. I'm now handing you what have been marked as
25 State's Exhibit 196, 196-A and 196-B. What are those

1 items?

2 A. This is the packaging and a box containing item
3 SFR-38. These are three knives from the inside of the
4 dishwasher, evidence marker number 37, collected
5 3/21/2011.

6 Q. And did you look for it and find your markings on
7 State's Exhibit 196, 196-A and 196-B?

8 A. Yes, I did.

9 Q. And do you see markings belonging to other
10 people?

11 A. Yes, I do.

12 Q. Other than the markings belonging to other
13 people, are State's Exhibit 196, 196-A and 196-B in the
14 same condition they were when you packaged them?

15 A. The box has a little bit damage, exterior box.
16 Other items appear undamaged and unchanged.

17 MS. RAY: Your Honor, I offer State's
18 Exhibit 196 for all purposes, 196-A and 196-B for
19 purposes of the record only.

20 MS. KEENE: May I take the witness on voir
21 dire?

22 THE COURT: Yes, you may.

23 VOIR DIRE EXAMINATION

24 BY MS. KEENE:

25 Q. So 196 is basically three knives, correct?

1 A. Yes, ma'am.

2 Q. And you see your initials at the base of the --
3 right above the grip?

4 A. Yes, ma'am.

5 Q. There's also white paper contained in the
6 sandwich bag, or whatever it's called, the bag?

7 A. Yes, ma'am.

8 Q. Does that white paper have your markings on it?

9 A. Yes, it does.

10 Q. And only your markings?

11 A. There are markings from another individual from
12 the lab on the back.

13 Q. Okay. Other than that, is there any other
14 markings on the bag?

15 A. No, ma'am.

16 Q. You talked about now in 196-A as having the --
17 the box being compromised. Do you know how that
18 happened?

19 A. I do not. The initial tape I placed on the edge
20 of the box is still there. It's just been torn or
21 ripped.

22 Q. If you're staring at the box, it would be to the
23 right corner?

24 A. Yes, ma'am.

25 Q. And that's on 196-A?

1 A. Yes, ma'am.

2 Q. Does that give you any concern about the
3 integrity of what was inside 196-A?

4 A. No, ma'am, because it was sealed by me in the
5 proper fashion when I submitted it to the lab.

6 Q. But as far as after that? Does that make sense?

7 A. No, ma'am.

8 Q. Okay. Did -- on 196, the white packing, did that
9 seal the knives?

10 A. Yes, it did.

11 Q. So the -- these were sealed inside the white
12 packaging, which are then sealed inside the box?

13 A. Yes, ma'am.

14 Q. So if the box was compromised, the white
15 packaging was not?

16 A. Correct. Well, as would be the brown packaging,
17 which I don't see evidence of compromised seals on this.
18 It's not damaged other than being opened.

19 Q. Okay. So other than 196-A having been
20 compromised, the outside packaging of 196-A, being
21 196-B, was not compromised and then the inside packaging
22 of 196 was not compromised?

23 A. Correct.

24 Q. So you feel comfortable that these are in same
25 condition and weren't compromised as a piece of

1 evidence?

2 A. Yes, ma'am.

3 Q. All right. And is it -- and you said it was your
4 item number 37, but you have SFR-38 on there.

5 A. I believe I said evidence marker 37 and the item
6 number is SFR-38. The evidence markers are what I place
7 on scene for demonstrative purposes. The actual item
8 number, SFR-38, is for our property room.

9 Q. Okay. So if we're looking at pictures, that's
10 the numbers I would love for you to be giving us.

11 A. Okay.

12 Q. Is that the SFR-38?

13 A. No. That's going to be evidence marker number
14 37. The yellow placard that we see in the photographs,
15 that will be the evidence marker number.

16 Q. Okay. Is that number that you've been giving us,
17 is the evidence number?

18 A. I've been giving you both of them.

19 Q. Oh, okay. And that was just -- just the one that
20 was different, so it seemed. Okay. I understand.

21 MS. KEENE: I have no objection to State's
22 Exhibit 196 for all purposes and State's Exhibit 196-A
23 and B for purposes of the record.

24 THE COURT: All right. State's 196, Ziploc
25 freezer bag, and what's described for the record as

1 three knives and white evidence paper, the package
2 exhibit is admitted as offered. State's 196-A and B are
3 each admitted for the record for the only, all State's
4 exhibits.

5 (State's Exhibit No. 196, 196-A, 196-B
6 admitted)

7 DIRECT EXAMINATION CONTINUES

8 BY MS. RAY:

9 Q. I'm now showing you -- I'm handing you what have
10 been marked as State's Exhibit 186, 186-A and 186-B.
11 What are these items?

12 A. This is item SFR-19. It is made up of packaging,
13 including a box, containing a white-colored disposable
14 lighter that was located at evidence marker number 18.
15 It's going to be the back patio table. And collected
16 March 21st, 2011.

17 Q. And have you looked for and found your markings
18 on these items?

19 A. All but the actual lighter itself. I was unable
20 to locate my initials on the bottom of the lighter where
21 I normally place them. There is a good deal of soot and
22 someone else's markings on the bottom of the lighter.

23 Q. And do you have photos of this item?

24 A. Yes, I do.

25 Q. And did you compare them and see if they were

1 similar to the item that you're holding in State's
2 Exhibit No. 186?

3 A. They are similar. However, it is a generic item.
4 It's a white lighter. The box was sealed with my
5 markings, my initials. The bag was also sealed with my
6 marking and initials. But, unfortunately, it was an
7 error that I did not put my initials on the base of the
8 lighter.

9 Q. The -- other than the markings from other people,
10 do State's Exhibits 186, 186-A and 186-B appear to be in
11 the same condition as they were when you packaged them?

12 A. They do.

13 MS. RAY: Your Honor, I offer State's
14 Exhibit 186 for all purposes and 186-A and 186-B for
15 purposes of the record.

16 VOIR DIRE EXAMINATION

17 BY MS. KEENE:

18 Q. Okay. On 186-B you see your initials; is that
19 correct?

20 A. Yes, ma'am. They're on the back seal, as well as
21 on the label.

22 Q. And you would have placed a white lighter in a
23 box that would have been placed in 186-B?

24 A. Correct.

25 Q. And then in 186-A, you see your initials on this

1 box, as well?

2 A. I do.

3 Q. And does the tag number of 19 match which -- the
4 contents that this is?

5 A. The writings do match, yes.

6 Q. In other words, 19 is supposed to be a white
7 lighter?

8 A. Yes, ma'am.

9 Q. And so, although, you don't see your initials on
10 the bottom of 186, you could deduce that this is,
11 indeed, the same white lighter you put in there?

12 A. I feel confident, yes.

13 Q. And you deduce it because it looks just like the
14 white lighter -- it is a white lighter, but it does look
15 like the one you collected?

16 A. Yes, it does.

17 Q. And it was also put in a box labeled -- that was
18 labeled basically to be a white lighter?

19 A. Yes, ma'am.

20 Q. And it was sealed and put your initials on it?

21 A. Yes, ma'am.

22 Q. And then it was put into another bag with your
23 initials on it, labeled a white lighter, sealed?

24 A. Yes, ma'am.

25 Q. And you feel confident even without the initials

1 that this is, indeed, the same white lighter?

2 A. Yes, I do.

3 Q. Unless something just crazy happened, somebody
4 stole the white lighter and put a new white lighter in
5 there, this would be it?

6 A. I suppose, yes.

7 Q. Right.

8 MS. KEENE: So, Judge, we have no objection
9 to 186 for all purposes, based on her testimony, and the
10 rest for purposes of the record.

11 THE COURT: All right. State's 186 is
12 admitted as offered, State's 186. State's 186-A and B
13 are admitted for the record only.

14 (State's Exhibit No. 186, 186-A, 186-B
15 admitted)

16 DIRECT EXAMINATION CONTINUES

17 BY MS. RAY:

18 Q. I'm now handing you State's Exhibit 189, 189-A,
19 189-B, and 189-C. What are these items?

20 A. Packaging containing SFR-47, a small camera case,
21 a Nikon Coolpix S560 camera and a plastic bag containing
22 cables. These were located at -- in an end table at the
23 edge of the hallway and living room areas. Collected
24 March 21st, 2011.

25 Q. And did you look and find your markings on each

1 of these items?

2 A. Yes, I did.

3 Q. And did you see markings belonging to other
4 people?

5 A. Yes, I did.

6 Q. Other than the markings belonging to other
7 people, are State's Exhibits 189, 189-A, B and C in the
8 same condition they were when you collected them?

9 A. Yes, they are.

10 MS. RAY: Your Honor, I offer State's
11 Exhibit 189 for all purposes and then 189-A, B and C for
12 purposes of the record only.

13 MS. KEENE: And can I take the witness on
14 voir dire, Judge?

15 THE COURT: Yep.

16 VOIR DIRE EXAMINATION

17 BY MS. KEENE:

18 Q. I assume you are showing me what is going to be
19 marked as -- on 189 as your initials?

20 A. Yes, ma'am.

21 Q. And as evidenced in the last, with the white
22 lighter, why do you put your initials on the item, even
23 though you put it all the bags?

24 A. We initial the evidence items just as an
25 additional step to help in court to identify these as

1 items that we collected on scene.

2 Q. And know that it's not just some other person's
3 camera put in there?

4 A. Correct.

5 Q. Okay. So show me where your initials are. And
6 you learn to write really tiny.

7 A. I actually don't like writing on evidence as a
8 personal rule, but it's policy.

9 Q. I got you. All right. So I see it. And then --

10 A. This bag was what the cables were contained in;
11 therefore, the bag was initialed, and I did not take
12 cable out of that bag.

13 Q. So the bag attached, is it -- the clear plastic
14 bag attached to 189-C was actually found at the scene
15 and contained the cables?

16 A. Correct.

17 Q. They were part of the evidence, and that's why
18 you have your initials on it?

19 A. Correct.

20 Q. Now, you're showing me the bag that the case that
21 the camera was -- was the camera actually in that bag?

22 A. Yes, it was.

23 Q. And that's your initials to let you know it's the
24 same bag that the camera was in?

25 A. Yes, ma'am.

1 Q. That was found at the scene?

2 A. Yes, ma'am.

3 Q. Okay. And what about the -- yes, I see that.

4 What about the cables, did you do anything
5 with them?

6 A. I did not initial the cables because they were
7 inside of that bag. I did not remove them. So I
8 initialed the camera because I took it out of the bag,
9 but as I didn't take anything out of this bag, I only
10 initialed the bag and not the cables.

11 Q. Okay. And then they were placed in C and -- in B
12 and C in their relative -- was the camera placed in B
13 and the rest -- the other was placed in C?

14 A. Yes, ma'am. The camera was placed inside of a
15 box to protect it from any damage. The cables and the
16 little bag were placed inside of the larger packaging
17 bag with the box containing the camera.

18 Q. Okay. Let me see that box.

19 MS. KEENE: All right. I have no objection,
20 Judge, to any of these as offered.

21 THE COURT: All right. State's 189 is in a
22 bag. Is the bag marked or is the item marked? I think
23 the bag is marked, but I'm not sure.

24 MS. RAY: The bag is marked for 189.

25 THE COURT: All right. The baggie and

1 contents, 189, is admitted. State's 189-A, 189-B, 189-C
2 are all admitted for the record only, all
3 State's exhibits.

4 (State's Exhibit No. 189, 189-A, 189-B,
5 189-C admitted)

6 DIRECT EXAMINATION CONTINUES

7 BY MS. RAY:

8 Q. Now handing you what have been marked as State's
9 Exhibit 185, 185-A and 185-B. What are those items?

10 A. The packaging and a box containing SFR-35, a blue
11 disposable lighter, located on a countertop within the
12 kitchen, at evidence marker number 34, collected March
13 21st, 2011.

14 Q. And have you had an opportunity to look at
15 State's Exhibit 185, 185-A and 185-B to find -- locate
16 your markings?

17 A. Yes, I have.

18 Q. And are there markings belonging to other
19 subsequent lab people?

20 A. Yes, there are.

21 Q. Other than the markings made by other people, are
22 State's Exhibit 185, 185-A and 185-B in the same
23 condition they were when you packaged them?

24 A. Yes, they are.

25 MS. RAY: Your Honor, I offer State's

1 Exhibit 185, 185-A and 185-B, after tendering to Defense
2 Counsel.

3 MS. KEENE: May I take this witness on voir
4 dire?

5 THE COURT: Yes.

6 VOIR DIRE EXAMINATION

7 BY MS. KEENE:

8 Q. So on 185, the blue Cowboys lighter, your
9 initials are on the bottom of that; is that correct?

10 A. Yes, ma'am.

11 MS. KEENE: Judge, I have no objection to
12 185-A and B for purposes of the record and 185 for all
13 purposes.

14 THE COURT: All right. They are each
15 admitted as offered.

16 (State's Exhibit No. 185, 185-A, 185-B
17 admitted)

18 DIRECT EXAMINATION CONTINUES

19 BY MS. RAY:

20 Q. I'm handing you what have been marked as 191,
21 191-A and 191-B. What are these items?

22 A. Packaging and two boxes, each of which contained
23 a set of keys on rings. This is item SFR-24, collected
24 at evidence marker number 23, which was the floor along
25 the east side of the desk in the living room, collected

1 March 21st, 2011.

2 Q. And have you had an opportunity to look at these
3 items and locate your markings?

4 A. Yes, I have.

5 Q. And are there markings belonging to other people?

6 A. Yes, there are.

7 Q. Other than the markings belonging to other
8 people, are these items packaged -- I'm sorry -- are
9 these items -- do they appear to be the same as they
10 were when you packaged them?

11 A. Yes, they do.

12 MS. RAY: Your Honor, I offer State's
13 Exhibit No. 192, 192-A and 192-B -- I'm sorry -- 192 for
14 all purposes, 192-A and 192-B for the record.

15 MS. KEENE: May I take the witness on voir
16 dire, Judge?

17 THE COURT: Yes.

18 VOIR DIRE EXAMINATION

19 BY MS. KEENE:

20 Q. Okay. Is the little "SR" at the bottom of the --
21 which I think you described earlier as a Honda key, or
22 what appears to be a Honda key?

23 A. Yes, ma'am.

24 Q. And that's the only marking on the whole
25 grouping?

1 A. Yes, ma'am.

2 Q. And that's how you use to identify this would be
3 the same?

4 A. Yes, ma'am.

5 Q. And then there's an "SR". Okay. This could also
6 be the Honda key, or whatever, a black key?

7 A. They're both Honda keys.

8 Q. They're both Honda keys?

9 A. Yes, ma'am.

10 Q. Okay. So another Honda key with an "SR" at the
11 base of that key?

12 A. Yes, ma'am.

13 Q. And that's what you just showed me on 192?

14 A. Yes, ma'am.

15 (Pause in proceedings)

16 THE COURT: All right. While that tender
17 offer is pending, do you want to ask additional
18 questions?

19 MS. RAY: Yes. Sorry, we're getting these
20 numbers mixed up.

21 DIRECT EXAMINATION CONTINUES

22 BY MS. RAY:

23 Q. Okay. State's Exhibit 191, what was State's
24 Exhibit 191?

25 A. It is one of the set of keys collected as a

1 two-part set of keys. The same item number on my end,
2 separate exhibit number for you, had an SFR-24.

3 Q. And State's 191-A, is that -- what is that?

4 A. It is a white box I used to contain those keys.

5 Q. And State's Exhibit 191 and 191-A, did you see
6 your markings?

7 A. Yes, I did.

8 Q. And did you see markings belonging to other
9 people?

10 A. Other than your tag, that -- that's the only
11 other markings on there.

12 Q. So are State's Exhibit 191 and 191-A in the same
13 condition they were when you packaged them?

14 A. Yes, they are.

15 MS. RAY: Your Honor, I offer State's
16 Exhibit 191 for all purposes, 191-A for purposes of the
17 record.

18 MS. KEENE: Judge, I've looked at both of
19 them. No objection as offered.

20 MS. RAY: And State's Exhibit 191-B for
21 purposes of the record only.

22 MS. KEENE: No objection.

23 THE COURT: So I'm clear, 191 and 192 both
24 come out of 192-B? Is that the confusion?

25 MS. RAY: Yes, Your Honor.

1 THE COURT: Do you agree with that, Joetta?

2 MS. KEENE: Yes.

3 THE COURT: All right.

4 Then 192-B, the evidence sack is admitted
5 for the record only and 192-A and 191-A, the evidence
6 boxes, are admitted for the record only. State's
7 Exhibit No. 191 and 192, the plastic bags containing
8 contents describing each as keys are admitted for all
9 purposes.

10 (State's Exhibit No. 191, 191-A, 192,
11 192-A, 192-B admitted)

12 MS. RAY: And just so I'm clear, Your Honor,
13 191-B is the packaging. 191-B.

14 THE COURT: Oh, 191-B. I'm sorry. Thank
15 you.

16 State's 192-A and 191-A are both boxes.

17 MS. RAY: Yes, Your Honor.

18 THE COURT: Gotcha.

19 (State's Exhibit 191-B admitted)

20 Q. (BY MS. RAY) I'm now handing you State's Exhibit
21 No. 190 and 190-A. What are these items?

22 A. It's my packaging, as well as Investigator
23 Weaver's packaging, for item SFR-21, which is a Verizon
24 LG brand cellular phone, evidence marker 20, which would
25 have been the living room floor, collected March 21st,

1 2011.

2 Q. Who's Investigator Weaver?

3 A. He is one of our electronic crime detectives. I
4 believe he investigated the contents of the phone, or at
5 least attempted to.

6 Q. And have you had an opportunity to find your
7 markings on State's Exhibit No. 190 and 190-A?

8 A. Yes, I have.

9 Q. And other than the markings that you made and the
10 markings that Investigator Weaver made, are State's
11 Exhibit 190 and 190-A in the same condition they were
12 when you packaged them?

13 A. Yes, they are. They are, except that they're
14 not -- that -- when I packaged them, they were all in
15 one piece. This was one cellular phone and now it's
16 multiple pieces of a cellular phone. I assume that's
17 part of his investigation, but I don't know that,
18 though.

19 Q. And it's your understanding that Detective Weaver
20 is in charge of analyzing cell phones? He's in the
21 forensic digital unit where they investigate computers
22 and cell phones and that sort of thing?

23 A. That's correct.

24 MS. RAY: Your Honor, I offer State's
25 Exhibit No. 190 and 190-A after tendering -- I'm

1 sorry -- 190 for all purposes and 190-A for purposes of
2 the record.

3 MS. KEENE: Can I take the witness on voir
4 dire, Judge?

5 THE COURT: Yes.

6 VOIR DIRE EXAMINATION

7 BY MS. KEENE:

8 Q. There's a box contained in 190; is that correct?

9 A. Yes, ma'am.

10 Q. And is that your initials on the box?

11 A. Yes, ma'am. That was how I initially packaged
12 it, was in that box.

13 Q. Okay. And 190 is in a different kind of a sack;
14 is that correct?

15 A. Yes.

16 Q. Would you have actually marked the cell phone?

17 A. Yes, I did.

18 Q. Okay. Can you show us that?

19 A. Yes. May I have something to cut this open with?

20 Q. Okay. So was that -- the piece that you
21 initialed was actually on the inside of the phone?

22 A. Yes. The way that I do cell phones is to remove
23 the back cover and initial on the sticker. Just in case
24 someone gets their property back at some point, they
25 don't want my initials on the screen of their phone. In

1 this case, irrelevant, but...

2 Q. Right. I understand. So basically it's on the
3 inside of the phone?

4 A. Yes, ma'am.

5 Q. And when you submitted the phone, it was not in
6 three pieces like that?

7 A. No, ma'am.

8 Q. Or however many pieces it is.

9 A. I replace the cover when I'm done.

10 Q. And I just need to see the bag.

11 MS. KEENE: Judge, I have no objection to
12 State's Exhibit 190 provided Weaver -- I assume Weaver
13 is going to come and say he took that phone apart. So
14 other than that being tied up, I don't have any
15 objection to it. And then I have no objection to 190-A
16 for purposes of the record.

17 MS. RAY: And, Your Honor, yes, Detective
18 Weaver will be testifying.

19 THE COURT: All right. Then I'll
20 conditionally admit 190 under Rule 104. And I will
21 admit 190-A for the record.

22 (State's Exhibit No. 190, 190-A admitted)

23 DIRECT EXAMINATION CONTINUES

24 BY MS. RAY:

25 Q. I'm now handing you State's Exhibit No. 190 --

1 sorry -- 187, 187-A and 187-B. What are these items?

2 A. Packaging, including the white box used to
3 contain item SFR-16, a disposable lighter, white with
4 red lettering, from evidence marker 15, the floor to the
5 west of the desk in the living room, collected March
6 21st 2011.

7 Q. And have you had an opportunity to look at those
8 items and see if you can find your markings?

9 A. Yes, I have.

10 Q. And were they present?

11 A. Yes, they are.

12 Q. Do you see markings belonging to other people?

13 A. Yes, I do.

14 Q. Other than those markings from other people, are
15 State's Exhibits 187, 187-A and 187-B in the same
16 condition they were when you packaged them?

17 A. Yes, they are.

18 MS. RAY: Your Honor, I offer 187 for all
19 purposes, 187-A and 187-B for purpose of the record
20 only.

21 MS. KEENE: Judge, may I take the witness on
22 voir dire?

23 THE COURT: Yes.

24 VOIR DIRE EXAMINATION

25 BY MS. KEENE:

1 Q. You've just shown me your initials on the bottom
2 of 187; is that correct?

3 A. Yes, ma'am.

4 MS. KEENE: Judge, I have no objection to
5 187-A and B for purposes of the record and 187 for all
6 purposes.

7 THE COURT: All right. State's 187 is
8 admitted for all purposes. State's 187-A, the box; B,
9 the evidence bag, are admitted solely for the record,
10 all State's exhibits.

11 (State's Exhibit No. 187, 187-A, 187-B
12 admitted)

13 DIRECT EXAMINATION CONTINUES

14 BY MS. RAY:

15 Q. I am now handing you items -- or State's
16 Exhibits 188, 188-A, 188-B and 188-C. If you could take
17 a look at these items. What are they?

18 A. It's packaging, including a box containing a
19 Nikon Coolpix 5600 camera, camera case and two
20 batteries. This is item SFR-50, 5-0, was located within
21 the closet in the master bedroom, collected March 21st,
22 2011.

23 Q. And do you see your markings on these items?

24 A. Yes, I do.

25 Q. And are there items -- markings of other people?

1 A. Yes, there are.

2 Q. And other than the markings by -- made by other
3 people, are State's Exhibit 188, 188-A, B and C in the
4 same condition they were when you packaged them?

5 A. Yes, they are.

6 MS. RAY: Your Honor, I offer States's
7 Exhibit 188, for all purposes, 188-B for all purposes,
8 188-A and C for purposes of the record only.

9 MS. KEENE: Judge, may I take the witness on
10 voir dire?

11 THE COURT: Yes, you may.

12 VOIR DIRE EXAMINATION

13 BY MS. KEENE:

14 Q. Did you just show me -- opened up the SD card
15 slot and showed me on your flap your initials?

16 A. Yes, ma'am.

17 Q. And that's how you identified as being the same
18 camera that you recovered at the scene?

19 A. Yes, ma'am.

20 Q. And then -- and that's in 188; is that correct?

21 A. Yes, ma'am.

22 Q. Was there an SD card in it?

23 A. Yes, ma'am.

24 Q. And it still is in the camera?

25 A. Yes, ma'am.

1 Q. Okay. So you're showing me a Samsonite case, and
2 I will take you at your word that your initials in
3 there. You've gotten so tiny.

4 A. I'm going to start writing larger.

5 Q. Okay. But you feel confident this is the same
6 case that you recovered from the scene?

7 A. Yes, ma'am.

8 Q. And by those initials that you actually found
9 again?

10 A. Yes, ma'am.

11 MS. KEENE: I don't have any -- wait a
12 minute. Let me see that bag.

13 Q. (BY MS. KEENE) Were -- did you put the camera --
14 the camera was in the bag?

15 A. Correct. When I collected it at the scene, it
16 went -- it was in the bag, which went into the original
17 packaging, and then that was repackaged at the lab with
18 a box.

19 Q. And that's not your handwriting, though, on the
20 original packaging?

21 A. No. That's an assistant who was actually writing
22 as I was collecting the items because my hands were
23 covered with soot and filth.

24 Q. Okay. It appears to be a guy's handwriting?

25 A. It is. It's SCI Fernandes.

1 Q. Okay. SCI who?

2 A. Fernandes.

3 Q. Okay. And he was helping you collect the
4 evidence and mark it?

5 A. Yes, ma'am.

6 Q. And so you feel confident that that's also yours?

7 A. Yes, ma'am. I verified the information on the
8 bag at the lab when I returned with the evidence in each
9 case.

10 Q. And then your markings are also on the outside of
11 188-C?

12 A. Yes, ma'am.

13 MS. KEENE: We have no objection to 188 for
14 all purposes, B for all purposes, C for purposes of the
15 record and A for purposes of the record.

16 THE COURT: All right. And 188 is the bag
17 containing the camera, which contains the SD card which
18 is marked.

19 MS. RAY: Yes, Your Honor.

20 THE COURT: All right. Then 188, baggie and
21 all contents, is admitted. State's Exhibit 188-B is
22 admitted for all purposes and 188-A and C are admitted
23 for the record only, All State's exhibits.

24 (State's Exhibit No. 188, 188-A, 188-B,
25 188-C admitted)

DIRECT EXAMINATION CONTINUES

BY MS. RAY:

Q. I'm now handing you what have been marked as State's Exhibit 197, 197-A and 197-B. What are these items?

A. It's packaging containing a paint can, containing original packaging for SFR-48, a roll of duct tape with an unknown red stain. This was from the floor in the living room, collected March 21st, 2011.

Q. And did you look to see if you saw your markings on these items?

A. Yes, I did.

Q. And do you see markings belonging to other people?

A. Yes, I do.

Q. Other than the markings from other people, are State's Exhibit 197, 197-A and B in the same condition they were when you packaged them?

A. Yes, they are.

MS. RAY: Your Honor, I offer State's Exhibit No. 197 for all purposes, 197-A and 197-B for purposes of the record only.

MS. KEENE: May I take the witness on voir dire?

THE COURT: For future reference, if you

1 don't want to take the witness on voir dire, say it's
2 not necessary and I have no objections. If you do, just
3 ask your questions. That will save us a few seconds.

4 MS. KEENE: Okay. Thank you, Judge.

5 THE COURT: Not a problem.

6 Ms. Ray, are you okay with that?

7 MS. RAY: Yes, Your Honor.

8 THE COURT: All right. Then you may
9 continue.

10 VOIR DIRE EXAMINATION

11 BY MS. KEENE:

12 Q. You just handed me a gray duct tape?

13 A. Yes, ma'am.

14 Q. Actually called Duck, correct?

15 A. Yes.

16 Q. And it's State's Exhibit No. 197 and you showed
17 me a small "SR" that was on the inside?

18 A. Yes, ma'am.

19 Q. And this is duct tape you collected at the scene?

20 A. Yes, ma'am.

21 Q. And you put it inside of 197?

22 A. Yes, I did.

23 Q. Whatever that is, A?

24 A. 197-A.

25 Q. Okay. Which then went inside 197-B?

1 A. Yes, ma'am.

2 MS. KEENE: Judge, I have no objection to
3 197-A and B for the record and 197 for all purposes.

4 THE COURT: All right. Exhibits 197 is
5 admitted and 197-A and B are admitted for the record
6 only, all State's exhibits.

7 (State's Exhibit No. 197, 197-A, 197-B
8 admitted)

9 DIRECT EXAMINATION CONTINUES

10 BY MS. RAY:

11 Q. Now handing you State's Exhibit 198, 198-A and
12 198-B. What are these items?

13 A. It's a small paint can enclosed in a paper bag
14 packaging, containing SFR-39, one black and white
15 colored sock. This was at evidence marker 38, right
16 outside of the front door, collected March 21st, 2011.

17 Q. And have you looked for and found your markings
18 on these items?

19 A. Yes, I have.

20 Q. Are there markings from other people?

21 A. Yes, there are.

22 Q. Other than the markings from other people, are
23 State's Exhibit 198, 198-A and B in the same condition
24 they were when you packaged them?

25 A. Yes, they are.

1 MS. RAY: Your Honor, I offer State's
2 Exhibit 198 for all purposes and 198-A and B for the
3 record.

4 VOIR DIRE EXAMINATION

5 BY MS. KEENE:

6 Q. All right. So what's in a paper bag appears to
7 black and white sock with your initials "SR" on top?

8 A. Yes.

9 Q. And then there's some other initials which are
10 potentially lab folks or someone?

11 A. Correct.

12 Q. And this is the same black and white sock that
13 you recovered from the scene?

14 A. Yes, ma'am.

15 Q. In 198.

16 And you put 198 in 198-A?

17 A. Yes, I did.

18 Q. And you put 198-A in 198-B?

19 A. Yes, I did.

20 Q. And your initials are in each of those places?

21 A. Yes, ma'am.

22 MS. KEENE: Judge, we have no objection to
23 198 for all purposes and 198-A and B for purposes of the
24 record.

25 THE COURT: If I heard you correctly when

1 you first showed her the exhibit, you said in a paper
2 bag. Did you mean a plastic bag?

3 MS. KEENE: I did.

4 THE COURT: All right. So it's a clear
5 Ziploc bag --

6 MS. KEENE: It is, Judge.

7 THE COURT: -- you can see the sock. All
8 right.

9 With that understanding, 198, the bag
10 containing sock and the sock are admitted as offered.
11 Exhibits 198-A and B are admitted for the record, all
12 State's exhibits.

13 (State's Exhibit No. 198, 198-A, 198-B
14 admitted)

15 DIRECT EXAMINATION CONTINUES

16 BY MS. RAY:

17 Q. I'm now handing you State's Exhibits 205 and
18 205-A. What are those items?

19 A. It is a square box wrapped in brown paper
20 containing SFR-9, which is a doorknob assembly located
21 at evidence marker number eight, which would be master
22 bathroom door of the apartment. I collected it March
23 21st, 2011.

24 Q. And did you have an opportunity to look for your
25 markings on State's Exhibit 205 and 205-A?

1 A. Yes, I did.

2 Q. And for the record, 205 is -- the doorknob is
3 contained inside of -- or 205 is the doorknob and the
4 brown wrapping over it?

5 A. Okay.

6 Q. Is that --

7 A. Yes --

8 Q. -- right?

9 A. -- it appears to be, yes.

10 Q. And do you see -- you saw your markings?

11 A. Yes.

12 Q. And did you see markings of other people?

13 A. Yes, I did.

14 Q. Other than the markings of other people, are
15 State's Exhibit No. 205 and 205-A in the same condition
16 they were when you packaged them?

17 A. Yes.

18 MS. RAY: Your Honor, I offer State's
19 Exhibit No. 205 for all purposes and 205-A for purposes
20 of the record only.

21 VOIR DIRE EXAMINATION

22 BY MS. KEENE:

23 Q. You've just shown me your SR markings on the
24 actual doorknob piece?

25 A. The portion of the door, yes.

1 Q. Portion of the door attached to the doorknob?

2 A. Yes.

3 Q. And that's part of the exhibit which is No. 205?

4 A. Yes, ma'am.

5 Q. And that's -- you put that inside of that bag,
6 which is labeled 205, as well?

7 A. Yes, I did.

8 Q. Okay. So 205 is both the bag and the doorknob?

9 A. Yes.

10 Q. All right. And now -- and then you put that in
11 205-A?

12 A. Yes, I did.

13 Q. You just showed me at least two different places
14 where you have put your signature?

15 A. Yes, ma'am.

16 MS. KEENE: Judge, we have no objection to
17 205, which is the doorknob, as well as the bag, coming
18 in for all purposes, and for 205-A for purposes of the
19 record.

20 THE COURT: All right. State's 205,
21 described as a bag containing part of a door with
22 doorknob, the composite exhibit, is admitted as offered
23 and 205-A is admitted for the record only.

24 (State's Exhibit No. 205, 205-A admitted)

25 DIRECT EXAMINATION CONTINUES

1 BY MS. RAY:

2 Q. Now handing you State's Exhibits No. 204 and
3 204-A. What are these items?

4 A. It is a square cardboard box with brown paper
5 covering, containing SFR-6, which is a doorknob assembly
6 from evidence marker number five. That's going to be
7 the portion of broken door that was outside of the
8 master bedroom of the apartment. Date collected,
9 3/21/2011.

10 Q. And have you had -- have you found your markings
11 on State's Exhibit No. 204 and 204-A?

12 A. Yes, I have.

13 Q. Do you see markings belonging to other people?

14 A. Yes, I do.

15 Q. Other than the markings of other people, are
16 State's Exhibit 204 and 204-A in the same condition they
17 were when you packaged them?

18 A. Yes, they are.

19 MS. RAY: Your Honor, I offer State's
20 Exhibit No. 204, which is the doorknob and the wrapping
21 around it and State's Exhibit No. 204-A for the record
22 only.

23 VOIR DIRE EXAMINATION

24 BY MS. KEENE:

25 Q. And you just showed me the part of the door where

1 you put your initials "SR"?

2 A. Yes, ma'am.

3 Q. And that door is put inside the bag that is
4 labeled 204?

5 A. Yes.

6 Q. And in the bag you've got your initials on it,
7 too; is that correct?

8 A. Yes, ma'am.

9 Q. Okay. Let me see that.

10 You also marked the outside of the box with
11 your initials?

12 A. Yes, ma'am.

13 Q. And that is in 204-A?

14 A. Yes, ma'am.

15 Q. So basically you put 204, the doorknob, inside
16 204, the bag?

17 A. Yes.

18 Q. And then you put those inside 204-A?

19 A. Yes, ma'am.

20 Q. And you marked all of them?

21 A. Yes, I did.

22 MS. KEENE: I have no objection, Judge, to
23 204 for all purposes and 204-A for purposes of the
24 record.

25 THE COURT: All right. State's 204, the

1 composite exhibit, is admitted as offered. State's
2 Exhibit No. 204-A is admitted for the record.

3 (State's Exhibit No. 204, 204-A admitted)

4 DIRECT EXAMINATION CONTINUES

5 BY MS. RAY:

6 Q. Now handing you what have been marked as State's
7 Exhibits 209 and 209-A. What are these items?

8 A. This is a paper bag surrounding a cardboard box,
9 containing item SFR-10, a doorknob assembly from
10 evidence marker number 89, that is the master bedroom
11 closet door, collected March 21st of 2011.

12 Q. And have you looked for and found your markings
13 on State's Exhibits 209 and 209-A?

14 A. Yes, I have.

15 Q. And are there markings from other people?

16 A. Yes, there are.

17 Q. Other than the markings from other people, are
18 State's Exhibits 209 and 209-A in the same condition as
19 when you packaged them?

20 A. Yes, they are.

21 MS. RAY: Your Honor, I offer State's
22 Exhibit No. 209 for all purposes, 209-A for purposes of
23 the record only.

24 VOIR DIRE EXAMINATION

25 BY MS. KEENE:

1 Q. You've just shown me your initials on 205 -- or
2 209, the actual doorknob part of the door?

3 A. Yes, ma'am.

4 Q. You've put that inside of 209, the paper bag?

5 A. Yes, I did.

6 Q. And then you put your initials, that you're just
7 now showing me, on the paper bag, as well?

8 A. Yes, ma'am.

9 Q. And then you placed those into 209, box?

10 A. The box is 209-A, but yes, it went in the bag of
11 209 and box of 209-A.

12 Q. And then you wrapped the box?

13 A. Yes. I tried to wrap all the boxes in plain
14 brown paper so not to confuse the matter since they had
15 writing on them.

16 Q. Okay. And then you also have your initials, and
17 I can see actually see it, as I stand here, your
18 initials on 209-A; is that correct?

19 A. Yes, ma'am.

20 Q. Okay.

21 MS. KEENE: I have no objection, Judge, to
22 209 for all purposes and A for purposes of the record.

23 THE COURT: State's 209, composite exhibit
24 as described, is admitted for all purposes and 209-A is
25 admitted for the record only.

(State's Exhibit No. 209, 209-A admitted)

DIRECT EXAMINATION CONTINUES

BY MS. RAY:

Q. Now handing you -- I'm now handing you State's Exhibits 206 and 206-A. What are these items?

A. It is a cardboard box wrapped in brown paper, containing SFR-7, the doorknob assembly from evidence marker number six, that's going to be the master bedroom door, collected March 21st, 2011.

Q. And have you had an opportunity to look for and find your markings on State's Exhibit 206 and 206-A?

A. Yes, I have.

Q. And are there markings from other people?

A. Yes, there are.

Q. Other than the markings from other people, are State's Exhibit 206 and 206-A in the same condition they were when you packaged them?

A. Yes, they are.

MS. RAY: Your Honor, I offer State's Exhibit 206 for all purposes and 206-A for the record.

VOIR DIRE EXAMINATION

BY MS. KEENE:

Q. And I can see your initials from here on 206, which is the door?

A. Yes, ma'am.

1 Q. And it's -- doorknob?

2 A. Yes, ma'am.

3 Q. And those are put inside of the 206, which is the
4 package, which I also see your initials on?

5 A. Yes, ma'am.

6 Q. And so you put 206 in 206-A; is that correct?

7 A. Yes, ma'am.

8 Q. Which I also see your initials on it. Thank you,
9 ma'am.

10 MS. KEENE: Judge, we have no objection to
11 206 for all purposes and 206-A for purposes of the
12 record.

13 THE COURT: All right. State's 206,
14 packaging and contents, admitted for all purposes and
15 206-A for the record only.

16 (State's Exhibit No. 206 and 206-A admitted)

17 DIRECT EXAMINATION CONTINUES

18 BY MS. RAY:

19 Q. Now handing you State's Exhibit 207 and 207-A.
20 What are these items?

21 A. It is another cardboard box wrapped in brown
22 paper, containing items SFR-29, doorknob assembly,
23 evidence marker number 28, closet door east of the front
24 door. It's going to be in our kitchen area. March
25 21st, 2011, date collected.

1 Q. And have you had an opportunity to look for and
2 find your markings on these exhibits?

3 A. Yes, I have.

4 Q. And do you see markings belonging to other
5 people?

6 A. Yes, I do.

7 Q. Other than those other -- those additional
8 markings, are State's Exhibits 207 and 207-A in the same
9 condition they were when you packaged them?

10 A. Yes, they are.

11 MS. RAY: Your Honor, I offer State's
12 Exhibit 207 for all purposes and 207-A for purposes of
13 the record only.

14 VOIR DIRE EXAMINATION

15 BY MS. KEENE:

16 Q. So you've just shown me basically on the --
17 basically the butt of where it was cut out of door your
18 initials "SR"?

19 A. Yes, ma'am.

20 Q. And what is the doorknob assembly that you put
21 inside of a bag which has now been labeled 207?

22 A. Yes, ma'am.

23 Q. And so your initials, I see them right there.
24 You're showing those to me. And then you placed 207,
25 which is the bag and the doorknob, in 207-A. And you've

1 shown me your initials on that?

2 A. Yes.

3 MS. KEENE: Judge, I have no objection to
4 207 for all purposes and 207-A for purposes of the
5 record.

6 THE COURT: All right. State's 207, as
7 described in the record, packaging, contents, admitted;
8 207-A, admitted for the record only.

9 (State's Exhibit No. 207 and 207-A admitted)

10 MS. RAY: Your Honor, may the witness stand
11 to see this next -- this next exhibit?

12 THE COURT: Sure.

13 DIRECT EXAMINATION CONTINUES

14 BY MS. RAY:

15 Q. I'm showing you what has been marked as State's
16 Exhibit 208 and 208-A. What are these items?

17 A. Large cardboard box with a good deal of brown
18 wrapping paper around it, containing SFR-27. It's a
19 dead bolt and doorknob assembly front door of the
20 apartment. It was evidence marker 26 on scene. And
21 that was collected March 21st of 2011.

22 Q. And did you find your markings on these exhibits?

23 A. Yes, I did.

24 Q. And do you see markings belonging to other
25 people?

1 A. Yes, I do.

2 Q. Other than those additional markings, are these
3 exhibits in the same condition they were when you
4 packaged them?

5 A. Yes, they are.

6 MS. RAY: Your Honor, I offer State's
7 Exhibit No. 208 for all purposes and 208-A for purposes
8 of the record only.

9 VOIR DIRE EXAMINATION

10 BY MS. KEENE:

11 Q. And you have shown in 208 where your markings are
12 actually on the door?

13 A. Yes, ma'am.

14 Q. And where your markings are actually on the
15 packaging surrounding the door?

16 A. Yes, ma'am.

17 Q. This is the front door, correct?

18 A. Yes, ma'am.

19 Q. And then your markings on 208-A?

20 A. That's the original packaging.

21 Q. So 208 was originally packaged with a lot of
22 different bags?

23 A. It was packaged in the same format as you see
24 here. It's just these bags got very dirty and very
25 compromised. So when I got into the lab, I went ahead

1 and repackaged it. And by "compromised" I just mean
2 crumpled and...

3 Q. I got it. So basically you packaged it twice?

4 A. Yes, I did.

5 Q. And you kept the packaging that you did the first
6 time?

7 A. Correct, for trace evidence, if there was any
8 need for that.

9 Q. Okay. And then -- so when you repackaged it,
10 that's what we're looking at in 208?

11 A. Yes, ma'am.

12 Q. Okay. And then I think the only thing is the
13 box. And you've just shown me your -- I can't see
14 that -- okay. Here it is -- your initials on the box on
15 both sides.

16 MS. KEENE: Judge, I have no objection to
17 208 for all purposes and 208 for purposes -- 208-A and
18 the multiple bags containing it for purposes of the
19 record.

20 THE COURT: State's 208 --

21 MS. KEENE: That's okay. She did not hear
22 me. I don't have objections to 208-A for purposes of
23 the record, which also contains the box as well as
24 numerous bags.

25 THE COURT: All right. State's 208-A,

1 described in the record as a box containing various
2 bags, admitted for the record only; 208, which is a
3 packaging containing what's described in the record as a
4 front door dead bolt assembly and et cetera, the
5 composite exhibit, admitted as offered.

6 (State's Exhibit No. 208 and 208-A admitted)

7 THE COURT: Let's take a moment and see if
8 Tamla has one more thing she wants to do before our
9 stretch break.

10 MS. RAY: It's the last one.

11 THE COURT: Oh, okay. Then are y'all all
12 right?

13 SEVERAL JURY MEMBERS: Yes.

14 THE COURT: I did notice that you -- I can't
15 see in the back of the UPS truck and I didn't realize
16 you had another box down there.

17 You may carry on.

18 MS. RAY: Thank you.

19 DIRECT EXAMINATION CONTINUES

20 BY MS. RAY:

21 Q. Okay. I'm now showing you what has been marked
22 as State's Exhibit 202, 202-A and 202-B.

23 (Pause in proceedings)

24 THE COURT: Do you need a short recess?

25 Q. (BY MS. RAY) Okay. State's 202, 202-A, 202-B,

1 203, and 203-B, so...

2 Let's take a look -- we'll start with
3 State's 202, 202-A and 202-B. What are these items --
4 what's -- what are these items?

5 A. It's a large cardboard box containing -- wrapped
6 in brown paper containing item SFR-20. It's going to be
7 a laptop, cables, and a thumb drive attached. These
8 were at evidence marker 19, on the living room floor,
9 collected March 21st, 2011.

10 Q. And have you had an opportunity to find and
11 confirm your initials on State's Exhibits 202, 202-A and
12 202-B?

13 A. Yes, I have.

14 Q. Okay. And do you see markings belonging to other
15 people?

16 A. Yes, I do.

17 Q. And other than those additional markers, are
18 State's Exhibits 202, 202-A and 202-B in the same
19 condition they were when you packaged them?

20 A. Yes, they are.

21 MS. RAY: Your Honor, I offer State's
22 Exhibits 202 for all purposes, 202-A and B for purposes
23 of the record only.

24 VOIR DIRE EXAMINATION

25 BY MS. KEENE

1 Q. And you just showed me the laptop itself,
2 correct?

3 A. Yes, ma'am.

4 Q. And you had put your initials on the tag that's
5 in the back of the laptop?

6 A. Yes, ma'am.

7 Q. It's on the -- actually, on the outside of the
8 laptop?

9 A. Yes.

10 Q. And then that's -- you wrapped it with the white
11 paper that you're holding?

12 A. Yes, ma'am.

13 Q. And then you put your initials on the white
14 paper?

15 A. Yes, ma'am.

16 Q. And there's nothing else you wrote on there,
17 other than your initials?

18 A. No, ma'am.

19 THE COURT: Just for the record, what is the
20 sticker actually on? The evidence sticker, is it on the
21 paper or is it on the laptop itself?

22 It's on the laptop itself. All right. You
23 may continue.

24 Q. (BY MS. KEENE) State's 202 contains white paper,
25 as well as another brown bag. Are those --

1 A. This is original packaging from the scene and
2 this is the lab paper I photographed it on. I saved it
3 because a lot of debris and dirt and soot were coming
4 off of the laptop onto the paper and I like to preserve
5 that if there's any trace need for determining what
6 accelerant was used, if any.

7 Q. Okay. And I see your initials on 202-A?

8 A. Yes.

9 Q. And did 202-A come out of 202-B?

10 A. Yes, ma'am.

11 Q. And is there nothing else in 202-B?

12 A. There is.

13 Q. So 202-B, then there's a sack with a bunch of
14 dirt and stuff inside it?

15 A. It's a white piece of paper with additional dirt,
16 lined in the box in an attempt to keep the dirt from
17 coming out of the seam of the box into the property
18 room.

19 Q. Okay.

20 A. They get mad about that.

21 Q. And then I see your initials on 202-B.

22 MS. KEENE: So, Judge, I don't have any
23 objection to 202-B for purposes of the record and 202-A
24 for purposes of the record, and I don't have any
25 objection to 202 for all purposes.

1 THE COURT: All right. State's 202-A and B,
2 admitted for the record only; State's 202, admitted for
3 all purposes.

4 (State's Exhibit No. 202, 202-A, 202-B
5 admitted)

6 DIRECT EXAMINATION CONTINUES

7 BY MS. RAY:

8 Q. And, finally, I'm handing you State's
9 Exhibits 203, 203-A and 203-B. What are those items?

10 A. This is a smaller bag that was packaged along
11 with the laptop containing the thumb drive, the damaged
12 thumb drive that was attached to that laptop.

13 Q. And do you see your markings on those items?

14 A. Yes, I do.

15 Q. And do you see markings belonging to other
16 individuals?

17 A. Yes, I do.

18 Q. Other than those additional markings, are State's
19 Exhibits 203, 203-A and 203-B in the same condition they
20 were when you packaged them?

21 A. State's 203 was in one piece. It was broken, but
22 it wasn't in four pieces. Again, that's probably part
23 of Detective Weaver's investigation. State's 203-A
24 someone didn't use very much care in opening it, but it
25 has my seals on it, and there's no problem with 203-B.

1 Q. And do you see Detective Weaver's markings on
2 these items?

3 A. I don't really know what they look like. I don't
4 readily see, but he may put them somewhere I'm not --
5 no, I don't.

6 Q. So you see no other markings on them other than
7 your own?

8 A. Correct.

9 Q. And so...

10 MS. RAY: Your Honor, I offer State's
11 Exhibits 203, 203-A -- sorry -- 203 for all purposes,
12 203-A for the purposes of the record and 203-B for the
13 purposes of the record.

14 VOIR DIRE EXAMINATION

15 BY MS. KEENE:

16 Q. And I'm seeing your initials on 203-B, 203-A and
17 I saw your initials on 203.

18 A. Yes, ma'am.

19 Q. The only issue is 203-B contained 203-A?

20 A. Yes.

21 Q. And 203-A contained 203?

22 A. Yes.

23 Q. And that's how you submitted it to the lab?

24 A. Well, it --

25 Q. I mean submitted it to the property room or

1 wherever you submitted it to?

2 A. It was packaged in with the laptop.

3 Q. Okay. Then it was packaged in with 202-B?

4 A. Correct.

5 Q. The big box?

6 A. Correct.

7 Q. But whenever you put 203 in 203-A, 203 was not in
8 four pieces?

9 A. Correct.

10 Q. It was in one piece?

11 A. Correct.

12 Q. And 203-A, the box, was sealed?

13 A. Correct.

14 Q. And now it's not, clearly, because you had --
15 somebody had to get this out, correct?

16 A. Correct.

17 Q. But you don't know who caused it to go from one
18 piece to four pieces at this time?

19 A. Not at this time.

20 MS. KEENE: Judge, I'm assuming it will be
21 tied up. I really am. So I'm going to object -- I'm
22 only going to object -- I'm going to offer -- I'm going
23 to -- I'm not going to object provided it is tied up of
24 being in four pieces and the box being --

25 THE WITNESS: I'm sorry. May I make a

1 correction?

2 MS. KEENE: Yes.

3 THE WITNESS: Looking at my lab photographs,
4 image 195 does show that in four pieces in the lab
5 before I submitted it to anyone. So this image taken...

6 THE COURT: While she's looking, the
7 contents of 203 were removed. Were they in this bag at
8 the time?

9 MS. RAY: No, Your Honor. They were removed
10 from the --

11 THE COURT: Number 203.

12 MS. RAY: -- white box and placed into the
13 smaller baggie.

14 THE COURT: For purposes of courtroom use.
15 All right.

16 MS. RAY: Yes, Your Honor.

17 THE COURT: I see.

18 Do you agree with that?

19 MS. KEENE: I do agree with that, Judge.

20 THE COURT: All right. So 203 is a baggie
21 containing what the record has described as four pieces.

22 MS. KEENE: And, Judge, it's been my
23 understanding that every baggie, other than, really, the
24 one that the officer described, was here for purposes of
25 this trial, not anything the officer did.

1 THE COURT: All right.

2 MS. KEENE: If we missed a baggie along the
3 way.

4 THE COURT: All right. And, again, Ziploc
5 freezer bag that I know the court reporter provides,
6 it's easy to tell the smaller bags, not always clear
7 where they come from.

8 THE WITNESS: All right. May I explain?

9 Q. (BY MS. KEENE) Yes.

10 A. On March 23rd, 2011, the laptop and cables and
11 the thumb drive were released to Detective Weaver.
12 Photographs were taken after I received them back from
13 Detective Weaver. So I believe that that came back to
14 me from him in that condition, in the multiple pieces.
15 Because when I collected it on scene, it was collected
16 still attached to the computer and I have photographs to
17 document the condition it was found on scene.

18 MS. KEENE: I think that answers my
19 question. I don't have any objection to it. I think
20 she's tied up why it's in four pieces.

21 THE COURT: All right.

22 MS. KEENE: I don't have any objection as
23 offered.

24 THE COURT: So just to the pieces, as to
25 contents, if any, then you'll save those for Detective

1 Weaver?

2 MS. KEENE: Oh, absolutely.

3 THE COURT: Okay. Then 203 is admitted,
4 baggie and contents, and 203-B and A are admitted for
5 the record only, all State's exhibits.

6 (State's Exhibit No. 203, 203-A, 203-B
7 admitted)

8 THE COURT: All right. Let's take a break.
9 Hit the buzzer when you're ready to start back.

10 (Break taken, 11:15 - 11:30 a.m.)

11 (OPEN COURT, DEFENDANT AND JURY PRESENT)

12 (Witness on the stand)

13 THE COURT: Still your witness.

14 MS. RAY: Your Honor, I pass this witness.

15 THE COURT: Now your witness.

16 MS. KEENE: Thank you, Judge.

17 CROSS-EXAMINATION

18 BY MS. KEENE:

19 Q. It's only day two.

20 A. Oh, my. I don't know how you do it.

21 Q. I don't know how we do it, either.

22 Okay. I have a bunch of questions for you.
23 Let's start with some -- I think they're all easy, but
24 let's start with some real easy ones. Okay?

25 You and I have met before; is that correct?

1 A. Yes, ma'am.

2 Q. And you met with myself and Mr. Moore in regard
3 to this case?

4 A. Yes, I did.

5 Q. We don't have to know the date, but about what
6 time period did we all meet?

7 A. I want to say maybe four months, three, four
8 months ago.

9 Q. And we -- where did we meet?

10 A. We met in the laboratory at the main police
11 station, 620 West Division.

12 Q. And you went over a lot of the different evidence
13 with us then?

14 A. Yes, I did.

15 Q. With the detective, as well as some of the
16 other crime -- I think it was actually all the other
17 crime scene officers?

18 A. Yes.

19 Q. And other than that, you and I have not had an
20 opportunity to talk?

21 A. No, ma'am.

22 Q. But you were kind enough to talk to us and let us
23 ask questions about the evidence and the things that you
24 did on that day?

25 A. Yes, ma'am.

1 Q. And we were able, at that point, to realize that
2 there we had -- there was a lot of things we were
3 missing as far as in crime -- the diagrams that y'all
4 did and so you gave us all those things.

5 A. Yes.

6 Q. In fact, we all --

7 THE COURT: Well, y'all are feeding off of
8 each other and so slow it down.

9 Thank you.

10 Q. (BY MS. KEENE) We actually had a discussion,
11 didn't we?

12 A. Yes. Yes, we did.

13 Q. I said that is my problem, too. All right. Let
14 me calm down.

15 THE COURT: You don't have to calm down,
16 Counsel, you just have to slow down.

17 MS. KEENE: I'm trying. It requires both.

18 Q. (BY MS. KEENE) We -- you gave us a number of
19 different diagrams?

20 A. Yes.

21 Q. And -- because y'all did a lot of work out there?

22 A. I would like to think so, yes.

23 Q. I would say a significant amount of work?

24 A. I would also say that.

25 Q. It was a difficult crime scene?

1 A. Yes.

2 Q. It was a crime scene that was on a horrific
3 crime?

4 A. Yes.

5 Q. And it deserved all the work that you gave it?

6 A. Yes.

7 Q. How do you continue to do your job after you see
8 that little baby?

9 A. Someone has to do this job.

10 Q. Okay. Do you just -- do you compartmentalize it?

11 A. I wouldn't say that. I feel like there's some
12 importance to what I do and I feel like pretending these
13 things don't happen isn't really an option.

14 Q. Okay. So you just -- you can -- can you see it,
15 though, and emotionally recognize it for what it is but
16 then go about your work?

17 A. Yes. You can't be emotional on a scene. It's
18 counterintuitive to what you're trying to accomplish.

19 Q. But it would be very difficult when -- just
20 seeing the picture, and you can't make it out, it's
21 difficult for any human being?

22 A. Yes.

23 Q. Well, we appreciate you doing the work you've
24 done. Okay?

25 A. Okay.

1 Q. I don't have a whole lot of criticism about what
2 you did. All right. So I just want to go through what
3 you did.

4 A. Okay.

5 Q. What is the big picture of a crime scene? What
6 is the big -- if there was one theory, what would the
7 theory be?

8 A. I'm assuming maybe we're getting at just like the
9 basic fundamental building blocks or forensics, or are
10 you talking about crime scene investigation
11 specifically?

12 Q. Investigation specifically.

13 A. To document and be able to recognize items of
14 evidence that could be important even if it -- they
15 don't seem important, focusing on details, consistency.

16 Q. Why?

17 A. Being consistent is important. Because if we
18 just haphazardly approach crime scenes, several items
19 could be missed, several steps could be missed. It's
20 important to evaluate each scene independently, but yet
21 follow a set of guidelines to ensure that everything
22 gets done that needs to be done.

23 Q. And you're looking for -- you're looking at
24 physical evidence and you're looking for physical
25 things?

1 A. Yes, I am.

2 Q. You are not talking to witnesses?

3 A. No.

4 Q. And physical items don't have motives, do they?

5 A. No.

6 Q. And they don't lie?

7 A. No.

8 Q. But, also, crime scenes can change?

9 A. Yes.

10 Q. Crime scene on March the 22nd, this crime scene
11 could have been very different than on March the 20th
12 when you went?

13 A. Yes.

14 Q. And certainly today if you were to go, it's a
15 different scene than it was on March the 20th?

16 A. I would assume, yes.

17 Q. So is it important for you to be -- to get
18 everything and to look at everything?

19 A. Yes. You don't get a second chance to go back
20 and do it again.

21 Q. You get one chance?

22 A. Yes.

23 Q. And is there a theory, a pervasive theory -- and
24 I'll give you a hint of where I'm looking -- what I'm --
25 where I'm going, is based in science about crime scenes,

1 such as Locard's theory?

2 A. Locard's principles of transference.

3 Q. Yes. What is -- is that kind of what crime scene
4 investigation is based on?

5 A. I would say that's a good building block for
6 forensics and the crime scene investigations in general.
7 It is a standard and a well-accepted theory, yes.

8 Q. And what is that theory?

9 A. The theory is that when two objects make contact
10 with each other, evidence is left on each object to
11 depict that contact in some fashion.

12 Q. So basically what the theory is, is that when any
13 two items connect, something will be left on each one?

14 A. That's the theory, yes.

15 Q. So let's just take the microphone you've been
16 talking on. As a crime scene officer would the handle
17 of that microphone be a place that you might be
18 interested in, if that particular is the setting and the
19 scene, for you to maybe want to get DNA evidence?

20 A. Yes. It looks conducive to that.

21 Q. And like what about it would look conducive?

22 A. Actually, I would focus more on the mesh of the
23 microphone itself, because that's what someone is going
24 to be talking into, breathing into, possibly spitting
25 on, and it's hit me in the face a couple times as I've

1 been sitting here. I would focus mainly on latent print
2 evidence on the actual grip of the microphone itself.
3 If I swab that for DNA, I will remove -- effectively
4 remove latent print evidence, as opposed to protecting
5 it.

6 Q. Okay. So -- and you've actually given a lot of
7 different theories, or principles, that happen with
8 crime scene just in your talking. Whenever you talked
9 into the microphone, you could transfer DNA even though
10 your mouth never touched the microphone?

11 A. Yes. Your breath is wet, contains saliva.
12 Again, just the fact that it is in such close proximity,
13 for this particular microphone especially, I would think
14 that the better option would be possibly to swab maybe
15 any of the textured areas, like the switch. For DNA,
16 since the surface area is too small for latent print
17 evidence to be effective there. But I would preserve
18 the barrel for actually latent print and latent palm
19 print evidence and swab this portion for DNA.

20 Q. And so when you're talking about the switch, you
21 know that a finger would touch the switch. Or at least
22 in theory, we all would think a finger is what is being
23 used to touch a switch and turn it on?

24 A. Correct.

25 Q. And so if that finger was used and touched the

1 switch to turn on, it is certainly quite possible that
2 under Locard's theory you could swab it and find that
3 transfer?

4 A. Yes.

5 Q. On the -- I don't know what you would call it,
6 the stem or the handle of the microphone, you would look
7 for fingerprints and certainly fingerprints first?

8 A. Correct.

9 Q. So you've got DNA and you've also got
10 fingerprints?

11 A. Yes.

12 Q. And fingerprints are not likely to be left on the
13 end of that microphone, are they?

14 A. They may be left, they would not be a comparable
15 quality because of the surface area, or what we call
16 substrate. The same goes for this metallic rimming of
17 the cord. It's very segmented. It's very broken.
18 Leaving a latent print on this and collecting it would
19 cause the print to be so broken as to probably render it
20 unindividualizeable.

21 Q. So what you want is a solid surface?

22 A. Preferably. I love them, yes.

23 Q. Right. A glass is like perfect?

24 A. Oh, yes.

25 Q. Because -- and we all know because we've had cars

1 and see fingerprints all over the outside of a window of
2 a car?

3 A. It's nice, yes.

4 Q. And so that's where you're leaving your full
5 fingerprint or good partials where you can connect them
6 to another person?

7 A. It's one of the areas, yes.

8 Q. How -- as a crime scene officer, how do you take
9 a fingerprint off of a surface, let's say, like the
10 microphone?

11 A. We would begin with processing it using one of
12 many different methods. Super Glue or cyanoacrylate is
13 applied in order to fix the print. This allows us to do
14 multiple lifts to try different techniques, possibly
15 florescent powders, other than your standard black
16 powder, to get the best print that you possibly can.
17 But generally speaking, I would use fingerprint powder
18 on something like that.

19 Q. So there's a difference between fingerprint
20 powder and Super Glue?

21 A. Yes.

22 Q. What would you do with fingerprint powder?

23 A. You apply the powder with a fiberglass brush.
24 You're applying it after you've Super Glued the item.
25 The powder adheres to the Super Glue, the Super Glue

1 adheres to the oils deposited by your finger.

2 Q. So if I touch this microphone and take my hands
3 off, is it quite possible that I have left oils on the
4 microphone?

5 A. It's possible.

6 Q. It is possible that I've left enough oil for you
7 to be able to put Super Glue on that?

8 A. It's possible.

9 Q. Now, is this the Super Glue that's in the little
10 tubes that we go buy?

11 A. Yes, it is.

12 Q. And so how do you apply that Super Glue to that?

13 A. The Super Glue is placed in a metal tray, which
14 is heated. We have a chamber that we use for it. You
15 place the item in the chamber, you heat the glue, you
16 add humidity, or moisture, to the chamber and it is
17 actually fumed in and adheres very evenly to the surface
18 and to the latent print evidence.

19 Q. And so is that something that you would do out at
20 Presidents Corner, or out at the scene?

21 A. There are methodologies for doing it in the
22 field. We do sometimes use them. If it's something
23 that I can collect, I prefer to bring it back to the lab
24 where I have controlled conditions and I have a chamber
25 to do it in.

1 Q. And we'll go over that. But that's really why
2 you cut all these doorknobs out?

3 A. The doorknobs were cut out because I do not
4 possess the appropriate training or resources to process
5 a charred and burnt piece of metal for latent print
6 evidence.

7 Q. So it was even another step, and we'll get to
8 that then. Okay. Once you've looked at a
9 fingerprint -- so you've got the oil -- let's just
10 assume the fingerprint was left and there's oil. The
11 Super Glue would then attach to the oil of a person's
12 hand?

13 A. The oil deposited on the item.

14 Q. And then -- now, what would you do next?

15 A. You would then, using a number of different
16 processing methods, the one we were just talking about,
17 fiberglass brush and black fingerprint powder or, in
18 this case, dual purpose fingerprint powder which has a
19 gray dichromatic scheme to it. That gives me a little
20 bit more contrast between the black base of the
21 microphone and the actual latent print as it develops.

22 Q. And so every person has different fingerprints,
23 that's another theory of crime scene?

24 A. Yes.

25 Q. And so what you're looking for is enough ridges.

1 Each of our hands have hundreds of little ridges on each
2 finger, correct?

3 A. Yes.

4 Q. And each of those ridges form a different
5 pattern?

6 A. Yes.

7 Q. And each of us -- all of us have different
8 patterns on our fingers?

9 A. Yes.

10 Q. And so you are looking for enough of that pattern
11 to be there such that could you compare it to a known
12 person and know whether or not that's their fingerprint?

13 A. Correct.

14 Q. And how -- do you have to have the full perfect
15 fingerprint in order to make a "gotcha" or that -- a
16 match?

17 A. No. In fact, finding a full fingerprint is
18 almost impossible. Even rolled fingerprints are still
19 partial. They don't go from the edge of the friction
20 ridge skin to the opposite edge of the friction ridge
21 skin, in most cases.

22 Q. So how many points -- do you know how many points
23 it takes to say a person's fingerprint matches?

24 A. There is no standard for the number of points
25 that are used to make a fingerprint match. It differs.

1 Some agencies do put standards in place so that they
2 know that every identification that they do make meets
3 at least a minimum standard. The Arlington Police
4 Department uses eight points, as --

5 Q. So eight --

6 A. -- you call them points.

7 Q. I'm sorry.

8 A. As you called them, point.

9 Q. What do you call them?

10 A. Galton details.

11 Q. Details.

12 A. Or minutiae.

13 Q. Or minutiae. Okay. So that would be basically
14 here's a little point on this fingerprint and here's a
15 little point, or minutiae, on this known sample and we
16 can say that looks identical?

17 A. Not only that it looks identical, but that it's
18 in the same location as it -- in both prints and same
19 formation in both prints. You can even go to what's
20 called third-level detail. What you're discussing now
21 is second-level detail.

22 Q. And so basically that's how you take -- that's
23 why you're looking for fingerprints, is so you can -- if
24 you have a known suspect or somebody you want to compare
25 to, you can use their fingerprints and look at a

1 fingerprint that was left at a crime scene?

2 A. Yes.

3 Q. And can you also get DNA from fingerprints?

4 A. Yes.

5 Q. How do you do that?

6 A. The oils that actually make up the fingerprint do
7 contain DNA. You are leaving a DNA deposit when you
8 leave a fingerprint.

9 Q. Are there times when you would leave your oils
10 and not leave a fingerprint?

11 A. Yes. There can be times that you will deposit
12 oil from nonfriction ridge skin and not leave a print.
13 And I should clarify, when I say a fingerprint, I'm
14 talking about latent fingerprint evidence, not patent
15 fingerprint evidence.

16 Q. What's the difference?

17 A. A latent fingerprint is one that you leave by
18 depositing oils from your finger onto a surface. A
19 patent print is one that you leave by having something
20 on your finger and then depositing it. So you're not
21 actually leaving your oil. If you had paint on your
22 hand, for example.

23 And then the third type is a plastic print,
24 which, the best description I can give you is like Silly
25 Putty. If you've ever played with that and you've seen

1 your print left in the Silly Putty, it's actually a
2 mirror image of what your actual fingerprint is because
3 you are depositing it into a substance that is pliable.

4 Q. So that's -- that may or may not leave DNA, but
5 certainly the oils have a whole lot better chance of
6 leaving DNA than the other two?

7 A. Correct.

8 Q. And so when you arrive at -- and let's do
9 Presidents Corner. When you arrive at Presidents
10 Corner, in your head what are you thinking, I'm going to
11 be collecting and looking for what?

12 A. It's tricky. You try to walk through your scene
13 without any preconceived notions. What you don't want
14 is someone telling you exactly what to look for, because
15 then you may miss something that they didn't list out.
16 So that's part of the difference between being a crime
17 scene investigator and being a crime scene technician.
18 Technicians are told by their detectives what to pick up
19 and they basically document it and put it in a bag.

20 Crime scene investigator tries to use their
21 training and experience, their knowledge of forensic
22 techniques available and collect things that they might
23 think that could be useful or -- at some point. So I
24 was looking for any type of evidence regarding the type
25 of wounds I saw on Ms. Gandy, any conducive surfaces for

1 fingerprinting, any paperwork and electronics. A lot of
2 those are useful in the investigation process.

3 Q. And you're looking for things you might collect
4 that you could get DNA off of?

5 A. In theory, yes. With arson scenes, fire is not a
6 friend of DNA. It's not a friend of Locard, either.

7 Q. Right. Exactly. In fact, fire can -- well, this
8 scene, you don't have to be a CSI person to know fire
9 can destroy a lot more than DNA?

10 A. Yes.

11 Q. I mean, it destroys paint and carpet and all
12 sorts of things, correct?

13 A. Yes.

14 Q. And when the firemen come in and they're coming
15 in to put out the fire, they're also destroying a crime
16 scene?

17 A. Yes.

18 Q. They got to do what they got to do. Everybody
19 gets that. But the reality is, when you looked
20 at Presidents Corner, you can't say with certainty that
21 there was a fight in there, can you?

22 A. I can tell that there was someone bleeding in
23 there, yes.

24 Q. But there's over -- okay. Actually, that was
25 probably a bad question.

1 There's overturned furniture in the living
2 room?

3 A. Yes.

4 Q. You don't know if that was caused during this
5 crime or if that was caused by the firemen?

6 A. Correct.

7 Q. And we're going to go over some additional
8 pictures and some of the additional things that you
9 collected beyond the things in the courtroom, but things
10 such as Mechelle's bed was cockeyed or was off -- it
11 wasn't off the springs, but it was turned?

12 A. Yes.

13 Q. That could -- if there weren't firemen in that
14 house, that would be a pretty big clue of something as a
15 crime scene officer?

16 A. Yes, it can be.

17 Q. It would certainly be something that you would
18 document, her bed is significantly tilted on it's box
19 springs?

20 A. Yes.

21 Q. Not in a way that a normal person would sleep on
22 their bed?

23 A. Correct.

24 Q. And that would make you think, well, something
25 must have happened in the bedroom, possibly?

1 A. It's a possibility, yes.

2 Q. It's certainly something, as a good crime scene
3 officer, that you would document and take pictures of?

4 A. Yes. I would search under the mattress.

5 Q. And in this case you documented it and took
6 pictures of it, even knowing that there were firemen in
7 there?

8 A. Yes.

9 Q. Because firemen could have been the folks who
10 were breaking out windows and doing what they need to do
11 to cause that whole mattress to tilt?

12 A. Yes.

13 Q. And so what could have a real appearance of being
14 very significant evidence turns out not to be?

15 A. Yes.

16 Q. Because we just don't know --

17 A. Correct.

18 Q. -- correct?

19 And so when you arrive at Presidents Corner
20 and you know you're entering into a fire scene, I would
21 assume you know from right at that point this is a tough
22 one?

23 A. Yes.

24 Q. Because it's going to be nasty, dirty, stinky,
25 full of water, and probably still has some heat coming

1 off of it, doesn't it?

2 A. It was warm in there, yes.

3 Q. Okay. And so there's also just certain things
4 that you may want to collect that are still dealing with
5 what just happened to them, items?

6 A. Many of them were wet, yes.

7 Q. That's why you had to contact the different
8 people to find out how to preserve that best?

9 A. Correct.

10 Q. Whenever you first arrived at Presidents Corner,
11 at this apartment complex, what time was that?

12 A. It was -- may I refer to my report?

13 Q. Absolutely.

14 A. I believe 2342.

15 Q. 2342. So that's basically 11:42, is that
16 correct, before midnight?

17 A. Yes, ma'am.

18 Q. And if I show you a large diagram, can you give
19 us an idea -- well, let me back up.

20 Had there been a perimeter set around this
21 crime scene by the time you got there?

22 A. Yes. There were several patrol vehicles and
23 crime scene barrier tape in place.

24 Q. Explain to the jurors what that is.

25 A. Crime scene barrier tape is that yellow police

1 tape, I think everyone's seen, you know, photographs or
2 pictures or TV. We actually do use yellow barrier tape.
3 And it is set up to keep individuals who are not
4 relevant to the investigation out of the crime scene.
5 If you cross the barrier tape, you are required to sign
6 in on what is called a crime scene access log so that we
7 have a record of who entered and who left and the times
8 in which they did that.

9 Q. And so someone would basically -- a police
10 officer would actually be in charge of a crime scene
11 log?

12 A. Yes.

13 Q. Where they would check anybody that came in, they
14 would check their name and their time that they came in
15 and check them when they left?

16 A. Yes.

17 Q. And so that if the other people, let's say they
18 live two doors down, they're not on fire, but if that
19 perimeter's been set, they can't go home?

20 A. In most cases. A lot of times if the
21 investigation has been moved indoors, they may be
22 escorted into their residence by an officer, but they
23 are not allowed to just come and go, no.

24 Q. Whenever you arrived at Presidents Corner, the
25 apartments, how big was this perimeter when you arrived?

1 A. It encompassed most of the paved parking area
2 outside of the corner of that building.

3 Q. If I -- if we go on the big -- you know what the
4 big diagram is, that you've been looking at?

5 A. Yes.

6 Q. Would that help you to show the jurors kind of
7 the idea where the big perimeter was?

8 A. Yes, it might.

9 MS. KEENE: May I approach her with the
10 aerial?

11 THE COURT: Yep.

12 Q. (BY MS. KEENE) Let me show you what has been
13 marked as State's Exhibit No. 2 and ask you if this is
14 the -- in this aerial can you -- if we put it on a
15 board, can you use this to help us understand where the
16 perimeter was set up? We can put it over here so they
17 can all see it. But would this --

18 A. Can I get my bearings as we're talking --

19 Q. Yes.

20 A. -- about this apartment building here in this
21 corner?

22 Q. Yes.

23 A. Okay.

24 Q. There's been testimony that the white truck is
25 basically the marker, which is why we're about to go put

1 it on a big --

2 A. Yeah. Let's do that.

3 (Pause in proceedings)

4 MS. KEENE: Judge, may she step down to show
5 them --

6 THE COURT: Yes.

7 MS. KEENE: -- this on the board?

8 THE COURT: Just don't block her off from
9 the court reporter, which means you might want to scoot
10 that back just a hair --

11 MS. KEENE: Okay.

12 THE COURT: -- to leave a window for Karen
13 to be able to see her face.

14 MS. KEENE: Thank you.

15 (Pause in proceedings)

16 MS. KEENE: Okay. We're both going to face
17 her. So I'm going to be talking I guess to your back.

18 THE COURT: Or why don't you put her beside
19 you.

20 (Pause in proceedings)

21 Q. (BY MS. KEENE) All right. Do you have your
22 bearings?

23 A. I do. The apartment in question is going to be
24 here.

25 Q. And here is the -- basically the corner of that

1 building?

2 A. Yes, I'm sorry. The -- I'm assuming this is
3 north, so we're talking about the western corner of the
4 apartment complex, southern end of Building 2216.

5 Q. And where was the perimeter, where was base --
6 well, when you arrived, where were people not allowed to
7 go?

8 A. A perimeter was set up that spanned this area,
9 cutting off functionality to all these parking spaces.
10 It came down -- and a lot of the fire trucks and police
11 vehicles were in this area here, as it was a wider kind
12 of area for them to maneuver their large trucks and
13 such. So this -- roughly this quadrant.

14 Q. And did they actually mark it off with the yellow
15 tape?

16 A. Yes, as best that they could. They did use
17 vehicles in some cases. Because as you can see, there's
18 not a lot to tie it to, and it is flexible tape.

19 Q. And then, since we've got this up there, give the
20 jurors an idea just in a big picture, and we'll go over
21 it specifically, where you focused in on your crime
22 scene investigation. Because I know it went beyond the
23 apartment, correct?

24 A. It did. Obviously the apartment. Ms. Gandy, who
25 was in the parking lot outside of the apartment. This

1 Dumpster area here, I did search that for any potential
2 evidence, and we searched the wooded area back behind
3 Building 2216.

4 Q. And back behind in that wooded area, that is not
5 flat?

6 A. No.

7 Q. In fact, that is, if you recall, if you were to
8 walk out of -- and we'll going through it more in
9 details. But basically, the big picture, if you were to
10 walk out of Ms. Gandy's apartment in the back, you're
11 going to face a fence; is that correct?

12 A. Yes.

13 Q. And then immediately behind that fence it becomes
14 a ravine?

15 A. Yes. It's hilly and I fell down it once and
16 there is a -- it's very dense. It's not easily
17 traversed.

18 Q. About how -- like what are we talking about, you
19 fell down it?

20 A. Dramatic. It was maybe two and a half to three
21 feet.

22 Q. That you fell?

23 A. Yeah.

24 Q. Okay. But it's a much deeper ravine than two and
25 a half to three feet?

1 A. Is it?

2 Q. Yes.

3 A. Well, I was kind of sliding haphazardly and
4 grasping for branches.

5 Q. All right. This is -- and, basically, the point
6 is, this is not an easy area -- if I wanted to sneak up
7 and jump over a fence, this is not an easy area to do
8 that with?

9 A. I don't recall it being easy, no.

10 Q. Okay.

11 A. The search, no.

12 Q. If you're at -- being out there and having walked
13 around, that would not be the point of entry that you
14 would choose?

15 A. This is three years ago, but I remembered
16 specifically thinking it was difficult to traverse that
17 area.

18 Q. Okay. And so you -- when did you search that
19 area?

20 A. That was the final thing we did before we cleared
21 the scene, because we were using the advantage of
22 daylight at that time.

23 Q. So that was the 22nd?

24 A. That was the 21st.

25 Q. I mean 21st. I'm sorry. During the day?

1 A. It was approximately, if I had to guess, around
2 noon.

3 Q. And had that area been secured?

4 A. There was no barrier tape used back in that area,
5 no.

6 Q. Because it would just be barrier tape on a ravine
7 really?

8 A. I can't even think how you might even accomplish
9 it.

10 Q. Right. Exactly. It does, in theory, make sense,
11 but in reality would be silly to put tape on a 20-foot
12 drop-off?

13 A. Yes. Twenty feet?

14 Q. Uh-huh. Pretty deep, ten, maybe I'm wrong with
15 the numbers, but deep. But anyway...

16 About how long did y'all look back in that
17 area?

18 A. This is going from memory, I don't have specific
19 times, but I would estimate about 45 minutes to an hour.

20 Q. And did y'all find anything of evidentiary value
21 back in that area?

22 A. I did find a library card belonging to Ms. Gandy
23 outside of the fenced area where all of the debris and
24 things from the apartment had been left. The library
25 card was a significant distance away from that, which

1 lent it a little bit more evidentiary weight because it
2 wasn't part of the -- otherwise, I wouldn't have really
3 found it odd to see a library card in a pile of debris.

4 Q. Okay. And we'll go over that as we go through it
5 step by step.

6 So you found in addition -- you found her
7 library card away from her apartment?

8 A. Yes.

9 Q. And you collected that?

10 A. Yes.

11 Q. And made a notation that you found that?

12 A. Yes.

13 Q. And that's something you discovered during the
14 daylight hours?

15 A. Yes, as well as set of keys on a lanyard that
16 were in the Dumpster.

17 Q. Okay. Well, since we're here, do -- can you use
18 this to show us the general area where the library card
19 was found?

20 A. Can I look at my report?

21 Q. Absolutely.

22 A. I have it listed as the south corner of the
23 building east of the -- okay. The south corner of the
24 building, east of the fence line, along the drainage
25 ditch and culvert.

1 Q. So what does "east" mean, on the inside of the
2 fence or outside of the fence?

3 A. That's a good point.

4 Q. I'm sorry.

5 A. That would be west of the fence line. Wouldn't
6 it? Let's see...

7 Q. That's all right.

8 A. Let me look at my photographs instead, just to
9 double-check. I do have it listed as east. So --

10 Q. The --

11 A. -- I have to say east of the fence line.

12 Q. Well, and what we'll do is over the lunch break,
13 you can look at some other pictures and see if that
14 will -- knowing some of the things, see if you can
15 identify it further.

16 A. Okay.

17 Q. You've got a lot of evidence you have to keep in
18 your head so I'm not going to bug you about that. Okay?

19 A. Okay.

20 Q. Basically you found her library card outside in
21 the backyard area.

22 A. And it was along the culvert and drainage path.
23 The culvert was on the west side of the fence line.

24 Q. Okay.

25 A. Which, it does --

1 Q. Well, we'll get it perfect, okay, when you look
2 at your pictures. All right?

3 A. All right.

4 Q. You also stated outside, what else? You just
5 talked about keys on a landing?

6 A. Lanyard.

7 Q. Lanyard.

8 A. Right. It was one of those long -- it was -- the
9 keys were located in the Dumpster, which is in decently
10 close proximity to the apartment. Dumpsters are
11 somewhere that you search normally as part of any crime
12 scene investigation, because people throw evidence away
13 more often than you think. The keys, obviously, no one
14 goes about throwing their keys away intentionally, and I
15 collected it because it was something I didn't expect to
16 see in the Dumpster. And I did take photographs and
17 notate where that was in there.

18 I used the keys to attempt to disengage the
19 dead bolt of Ms. Gandy's apartment. It did not work.
20 It was -- it fit and it was similar, but it did not
21 disengage her lock.

22 Q. So you found -- and basically a -- I don't see
23 anybody in the courtroom that has one. But basically
24 it's a -- what is a lanyard?

25 A. A lanyard is the thing that goes around your

1 neck. It's like one of those -- I need to look at my
2 pictures of the keys. I haven't actually seen them
3 in --

4 Q. All right. Well, we'll --

5 A. -- three years.

6 Q. We'll go over that.

7 THE COURT: One at a time, please.

8 Q. (BY MS. KEENE) But it's what you call a lanyard.
9 That's where you found those keys?

10 A. I believe they were on a lanyard. But yes, they
11 were in the Dumpster.

12 Q. And, as you said, obviously, people do not throw
13 away their keys?

14 A. Not on purpose.

15 Q. Did it have -- a lot of times people, when they
16 have their keys basically on a big necklace, they'll
17 have their badge where they work or anything. Did it
18 have anything like that on it?

19 A. I don't recall it having any identifiable
20 markings that would tie it to a person.

21 Q. Okay. Why would you take those keys and go try
22 to use them in Mechelle's house?

23 A. Just to ensure that they didn't actually go to
24 her house.

25 Q. Was there -- did you take any significance about

1 the fact that they fit into the lock?

2 A. It tended to possibly indicate that it was
3 someone who lived in that apartment complex. The
4 apartment complexes generally buy mass quantities of
5 these dead-bolt locks and the keys are similar in
6 appearance. I have keys at my house that fit in both my
7 front door and my back door, but only one opens one and
8 one opens the other. So I believe it's possibly
9 belonging to a resident who lives in that apartment
10 complex, possibly.

11 Q. But who knows?

12 A. Who knows.

13 Q. You collected them because people don't throw
14 away their keys?

15 A. Correct.

16 Q. And you found it in a Dumpster?

17 A. Yes.

18 Q. Right outside a murder scene?

19 A. Yes.

20 Q. And was there anything else in the Dumpster or
21 outside area that you saw that was out of place to you?

22 A. No.

23 Q. That you collected?

24 A. No.

25 Q. Okay. That's the things you did the next day

1 when it was daylight?

2 A. At the end of the -- it was during my initial
3 response. So you have to keep in mind when I say we
4 responded on the 20th, we did, but we were only there
5 for an hour on the 20th. The prime -- primarily we were
6 there the 21st. So this would be right before we
7 cleared the scene the first time.

8 Q. And so by the time you're searching through the
9 Dumpster, this area of the Dumpster was never under a
10 secure scene, so to speak?

11 A. No.

12 Q. In other words, there wasn't yellow tape that
13 included the Dumpster?

14 A. No.

15 Q. And the reality is, anybody could have put in the
16 keys after the homicide?

17 A. Oh, yes.

18 Q. But you're still -- you go even beyond the tape
19 here and then looking in Dumpsters. Was there any other
20 Dumpster, other than this one, that you recall looking
21 in?

22 A. No, not personally. I did have assistance during
23 the search from Investigator Fernandes and I do not
24 recall -- I don't want to speak out of school for what
25 he actually searched. He wasn't always right there next

1 to me. My instruction to him was we need to search the
2 grounds within a reasonable distance to see if we see --
3 we're looking for a knife.

4 Q. Absolutely. You're looking for something sharp,
5 knife, that could have been used to killed Ms. Gandy?

6 A. Yes.

7 Q. That's the bottom line.

8 A. And woods are a good place to throw things like
9 that.

10 Q. And that's why you're willing to get on your
11 hands and knees looking for the knife back there?

12 A. Falling down in a hole.

13 Q. Exactly. Okay. I think that's all I've got
14 on this one. You can have a seat.

15 What do you got? Tell me.

16 A. The screwdriver that was hanging in the
17 build-out --

18 Q. Oh, yeah. Yeah.

19 A. -- where you said did I collect anything else
20 from outdoors, that would fall under that.

21 Q. Show them on this.

22 A. The build-out is along the southern wall of the
23 building, in the southwestern corner. And that's
24 where -- it was down -- it was taller than our division
25 here by probably about a foot. It was far too deep for

1 me to reach in to get it. I had to get one of those
2 plastic grippy arms to get it out.

3 Q. Okay. And that was outside?

4 A. Yes, ma'am.

5 Q. And you took pictures of the area, as well as I
6 think they saw -- at least looking down one picture of
7 that?

8 A. Yes, ma'am.

9 Q. Did you -- when you were out there looking or
10 doing any of the crime scene, did you have any
11 information about a suspect or a figure or a person
12 coming from that area right before the fire started?

13 A. I was not given that information on the scene,
14 no.

15 Q. Was that any information you had at any point
16 prior to doing any of that, of your crime scene work?

17 A. Several years later.

18 Q. Okay.

19 A. Two years later.

20 Q. Okay. That's -- do you usually get that kind of
21 information?

22 A. With a scene like this where detective look --
23 what's the -- Detective Stewart was looking for Asher
24 and doing an Amber Alert during the beginning, where we
25 normally have this type of conversation, it's

1 not uncommon for that information to stay with the
2 detective, depending on the detective. Some of them are
3 very interactive, others are more independent and will
4 come to you if they think that they have information you
5 might need.

6 Q. Okay. So it just depends?

7 A. Yes, ma'am.

8 Q. You can take nothing from it, not having known
9 that?

10 A. I like to think I processed the scene thoroughly
11 enough where it encompassed the potential for someone to
12 have handled the back door and front door. So either
13 way, if they had gone in or out the back door, I would
14 like to think that I did the best that I could to
15 process these areas. So...

16 Q. Okay. Thank you. You can have a seat.

17 As part of your work doing the crime scene,
18 did you take measurements?

19 A. Yes, I did.

20 Q. Was that something that y'all did basically as a
21 group, so to speak, or as a team?

22 A. I was assisted by CSI Tricksey.

23 Q. And so the crime scene officer, Tricksey, helped
24 you take measurements. Why do you want to take
25 measurements?

1 A. Measurements, doing your diagram and your sketch,
2 taking measurements is part of standard protocol. It is
3 so that if at any time someone needs to come back and
4 place evidence back on scene, they can do that
5 sufficiently.

6 Q. Was your diagram to scale?

7 A. No. They're not to scale.

8 Q. So you can't look at the diagram and know, well,
9 that's where it was, it was only -- well, even if it's
10 small, it was only in relation to what it was? Does
11 that make sense?

12 A. No.

13 Q. Well, okay. If you have a 34 and 35, you can't
14 decide if they're an inch distance apart and then 36 is
15 two inches and that's the difference? That's just --
16 that would be to scale.

17 A. Right. That's why we take the measurements and
18 we put them with our diagram, but the diagram itself is
19 not a good indication if you're trying to actually
20 determine the specific size.

21 Q. The diagram is used to kind of give us an
22 overview and an idea of what the apartment looked like?

23 A. It's demonstrative, yes.

24 Q. And it's an overview and a look of where the
25 various items were?

1 A. Yes.

2 Q. It's not a GPS location of those items?

3 A. No.

4 Q. But y'all -- because it's important to know the
5 distances, y'all did do all those measurements?

6 A. Yes.

7 Q. And you created a diagram that had all those
8 measurements?

9 A. CSI Tricksey did our diagram in this case.

10 Q. And is it one -- did she also do the other
11 diagram that we've looked at?

12 A. She's done all the diagrams.

13 MS. KEENE: Judge, may I approach the
14 witness?

15 THE COURT: You may.

16 Q. (BY MS. KEENE) Investigator, let me show you
17 what has been marked as Defendant's Exhibit No. 6. Do
18 you recognize that?

19 A. Yes, I do.

20 Q. What is that?

21 A. This is a diagram of the evidence markers removed
22 and the measurements in place.

23 Q. And would this help you to explain to the jurors
24 kind of the layout of this place in terms of the real
25 dimensions?

1 A. Yes.

2 Q. And --

3 MS. KEENE: All right. Judge, at this time
4 we would offer in Defense Exhibit No. 6.

5 MS. RAY: No objection, Your Honor.

6 THE COURT: Defense 6 is admitted.

7 (Defendant's Exhibit No. 6 admitted)

8 Q. (BY MS. KEENE) Investigator, let me show you
9 what has been marked as Defense Exhibit No. 7 and ask
10 you if you recognize this? Seven is a two-page
11 document.

12 A. Yes, I do.

13 Q. And what is Defense Exhibit No. 7?

14 A. This is a -- it's basically a key that Anna
15 Tricksey, CSI Tricksey, created that lists the actual
16 measurements out for each of the items of evidence.

17 Q. And is this something that you know to be
18 accurate?

19 A. Yes, I believe it to be accurate.

20 Q. And this is something that you think it would be
21 helpful for the jurors to understand really the exact
22 location of each item?

23 A. Depending on how they like to view things. I
24 would prefer -- I prefer the demonstrative aid. This is
25 very specific. So if they see things in numbers, this

1 is good for them.

2 Q. Okay. This could be other folks that see things
3 in more GPS-kind-of number things?

4 A. I don't know if I'd say GPS, but in feet and
5 inches, yeah.

6 Q. Okay. South and east, all those directions?

7 A. Yes. I am not a fan of those.

8 Q. Okay.

9 MS. KEENE: Judge, we would offer in
10 Defendant's Exhibit No. 7.

11 MS. RAY: No objection, Your Honor.

12 THE COURT: All right. Defense Exhibit 7 is
13 admitted.

14 (Defendant's Exhibit No. 7 admitted)

15 Q. (BY MS. KEENE) Investigator, let me show you
16 what's been marked as Defense Exhibit No. 8, 9, 10, and
17 11 and ask you if you recognize what those depict?

18 A. They appear to be an apartment complex and a
19 Dumpster outside of an apartment complex.

20 Q. Do they appear to be -- is that the -- does that
21 appear to be the Dumpster that you recall looking in and
22 finding the keys?

23 A. It's hard to tell from this prospective view
24 because I cannot see any of the numbers on the
25 buildings, the numbers on the apartments.

1 Q. Okay. So you can't say?

2 A. I really can't. I apologize.

3 Q. It's okay. That's okay. About how far was the
4 Dumpster that you got the keys out of from the homicide
5 scene?

6 A. See, this is why I use measuring devices. I'm
7 not great at estimating. We looked at the aerial view.
8 We can -- I can show them again where it was.

9 Q. That's okay. We'll cover -- we'll figure that
10 out over a break.

11 A. Okay.

12 MS. KEENE: This is really a good time,
13 Judge, actually, because I'm going to go into some
14 things with the ELM0, if you want to.

15 THE COURT: Okay. Let's go eat. Be back at
16 your pickup point in an hour and 15 to 20 minutes,
17 depending on what time you get on the elevator and get
18 out, powder your nose and stuff. If you're back there
19 for five minutes, then an hour and 15 minutes ought to
20 be good. If you go straight out now, I'll give you an
21 hour and 20 minutes. Be at your pickup point.

22 Lawyers be back here in an hour and 15
23 minutes from the moment the jury leaves the floor and
24 we'll pick up at that point.

25 Remember your instructions. As of now, I

1 think it's okay outside and everything on the radar -- I
2 just checked again when she walked up and I asked about
3 when to lunch break and I think it's all north so I
4 think you'll be okay.

5 All right. We'll be in recess for an hour
6 and 20 minutes.

7 (Jury excused from courtroom)

8 MR. ROUSSEAU: Judge?

9 THE COURT: Yes.

10 MR. ROUSSEAU: I want to put something on
11 the record real quick before --

12 THE COURT: Okay.

13 MR. ROUSSEAU: It will just take a second.

14 THE COURT: Not a problem. We're stuck in
15 here for a minute anyway.

16 All right.

17 MR. ROUSSEAU: Your Honor, this morning I
18 handed to the Counsel for Defense a document that is a
19 printout. It was -- it's a printout from a -- of what
20 appears to be a screenshot that was sent to me by the --
21 Detective Stewart yesterday, of the Arlington Police
22 Department, indicating a series of the telephone -- the
23 police calls that were made at the apartment that we've
24 been talking about, the scene of this crime. It appears
25 to be a printout of all calls made by the police to that

1 address from January of 2000 up until the date of this
2 offense. There -- I believe there are ten entries on
3 there. I do not have it -- a full explanation of
4 every one of the incidents.

5 It is my understanding that it is
6 comprehensive, that this does indicate all of the police
7 calls at that address. And I have explained to the
8 Defense my understanding of one call in particular,
9 which was supposed to have been a burglary
10 investigation, and that was from July of 2009, and I
11 just got that yesterday. I just wanted to make it clear
12 that I have turned it over this morning.

13 THE COURT: Can I see what you're kind of
14 describing in the record --

15 MR. ROUSSEAU: I have it, Your Honor. I'd
16 just like to -- if you don't mind me mark -- writing in
17 pen, I can mark it as a Court's exhibit.

18 THE COURT: Oh, well, it doesn't really
19 matter. I want to look at it. It may or may not be
20 necessary to do that.

21 I just want to be clear, "screenshot" means
22 there's a computer entry and it's a print screen of
23 what's an electronic record and you have a hard copy
24 that you gave to Defense Counsel. Is that what you mean
25 by "screenshot", Kevin?

1 MR. ROUSSEAU: That's my understanding.

2 That's what it looks like to me, Your Honor.

3 THE COURT: Okay.

4 MR. ROUSSEAU: And that's how it was sent to
5 me.

6 THE COURT: Yeah. It says -- it has http
7 bar at the top. That's what it looks like to me, as
8 well. It's labeled "calls for service". So any call
9 for service to 2216 Presidents Corner is listed here
10 beginning 1/15 of 2000, ending 3/20 of 2011. One --
11 yeah. You can see "death" is the final one on the last
12 day. Investigation, 9-1-1 calls, unexplained
13 disturbance, unexplained R theft, unexplained -- those
14 are back prior to 2005 -- or 2005 and prior. MIS
15 warrant in 2007. Investigation 2009.

16 But you don't have specific reports or
17 details. These are the just the calls of service which
18 appears in a list of call numbers that may or may not
19 still be available.

20 MR. ROUSSEAU: That's all I have right now,
21 Your Honor.

22 THE COURT: Gotcha.

23 Mr. Moore, you got all this?

24 MS. KEENE: We do.

25 THE COURT: All right.

1 MR. ROUSSEAU: I'll attach it to the
2 electronic file to get it open, but my computer system
3 was messed up this morning and I'm not all that quick
4 about that sort of thing anyway, so I wanted to give
5 them a hard copy this morning.

6 THE COURT: That's fine. And I don't see
7 any need of putting that in the record if you have a
8 copy.

9 Do you see any need, other than what's in
10 the record, of putting anything else in the record at
11 this time?

12 MR. MOORE: No, Judge, I don't.

13 THE COURT: All right. Then the
14 disclosure's on record. You have the original copy.
15 We're good.

16 We're in recess again.

17 (Lunch break taken, 12:25 - 1:45 p.m.)

18 (OPEN COURT, DEFENDANT PRESENT, NO JURY)

19 THE COURT: State your full, legal name for
20 the court reporter, please, sir.

21 THE WITNESS: Gabriel Salinas, Jr.

22 THE COURT: I need you to face me and raise
23 your right hand, please, sir.

24 (One witness sworn)

25 THE COURT: Certain rules that apply to any

1 witness in a criminal trial. The first rule is you may
2 not be present in the courtroom to listen to what other
3 witnesses say when they testify. For the same reason,
4 you're not allowed to discuss anything you know about
5 the facts and circumstances or people involved in this
6 trial with any other person who may be called as a
7 witness. You're not allowed to, quote, discuss your
8 testimony with other witnesses. You can talk about the
9 weather, the Rangers, whatever, but you cannot talk
10 about anything that might be asked about in the
11 courtroom.

12 You still with me?

13 THE WITNESS: Yes.

14 THE COURT: You may speak in the private
15 with the attorneys for either side or their
16 investigators at any time as long as other witnesses
17 can't overhear your conversations in order to prepare
18 for your own testimony. You must make sure you hear and
19 understand the question asked. If you can't hear
20 or don't understand, then say so. And if you do hear
21 and understand, answer that question, stop, and then
22 wait for the next question. If you keep talking, her
23 hands will wear out before the trial is over.

24 You understand?

25 THE WITNESS: Yes, sir.

1 THE COURT: If someone asks you, Do you have
2 a watch, if you do, say, Yes. Don't say what time it
3 is, don't say where you got it unless they ask you. If
4 they ask to explain, go for it. But don't explain
5 unless it's part of the question. All clear?

6 THE WITNESS: Yes.

7 THE COURT: Let's take a short recess.

8 (Pause in proceedings)

9 (Witness Fallentine takes the stand)

10 THE COURT: Bring in the jury.

11 (Jury seated in courtroom)

12 THE COURT: Joetta, still your witness.

13 MS. KEENE: Thank you, Judge.

14 Q. (BY MS. KEENE) Did you have a chance,
15 Investigator, to look up where the library card was
16 found?

17 A. Yes, I did.

18 Q. And do you feel comfortable now having looked at
19 whatever you looked at to be able to testify whether it
20 was inside or outside of the fence line?

21 A. Yes, I do.

22 Q. And where was it?

23 A. It is outside of the fence line running towards
24 the parking area in a cement culvert.

25 Q. So basically it's not back towards the ravine,

1 it's towards the parking lot?

2 A. Towards the parking lot in front of the apartment
3 building, yes.

4 MS. KEENE: Judge, may I approach the
5 witness?

6 THE COURT: Yes.

7 Q. (BY MS. KEENE) I'm going to show you what has
8 been marked as Defense Exhibit No. 12. Do you recognize
9 Defense Exhibit No. 12?

10 A. Yes, I do.

11 Q. And how do you recognize Defense Exhibit No. 12?

12 A. It is a photograph that I took. I see the
13 evidence marker and the evidence item in question.

14 Q. And what is it a picture of?

15 A. It is a picture of a North Richland Hills library
16 card.

17 Q. And is it a picture of the card that we've been
18 talking about?

19 A. Yes.

20 Q. Let me show you what has been marked as Defense
21 Exhibit No. 13 and ask you if you recognize that?

22 A. Yes, I do.

23 Q. And how do you recognize that?

24 A. It is a picture of the back of the same library
25 card in discussion, at evidence marker number 42.

1 Q. And so what you did is whenever you saw the
2 library card, you put the marker on, as the jurors have
3 seen, in the other -- as like the ones in the house?

4 A. Correct.

5 Q. And for this one, it was 42?

6 A. Yes, ma'am.

7 Q. And let me show you what's been marked as Defense
8 Exhibit No. 14. What is that?

9 A. This is a medium-range photograph of the same
10 library card.

11 Q. And what is -- what is it showing the jurors, in
12 a broad sense?

13 A. Generally speaking, crime scene photography is
14 done in three steps. You have a step to show the
15 overall location of an item of evidence. You have a
16 midrange photograph, so that if it's a small item you
17 can then make out somewhat what it is. And then you
18 have a close-up photograph which only deals with that
19 item of evidence in question.

20 This assists you in being able to see where
21 it was in the grand scheme of your crime scene.

22 Q. So in -- so 14, Defense Exhibit No. 14, would be
23 a midrange?

24 A. Yes.

25 Q. Okay. And let me show you Defense Exhibit No. 15

1 and ask you if you recognize that?

2 A. I do.

3 Q. And what is Defense Exhibit No. 15?

4 A. This would be an example of a long-range
5 photograph for this same item, the library card, at
6 evidence marker number 42.

7 Q. And 16 and 17, let me show you Defense Exhibit
8 No. 16 and 17 and see if you recognize those?

9 A. Yes, I do.

10 Q. How do you recognize those?

11 A. These are photographs of the same library card
12 without the evidence markers in place. That is also
13 part of the photography process, is to make sure that
14 you get photographs without adding or subtracting
15 anything. And so these would have been the first
16 photographs I took before the marker was in place.

17 Q. So you can write in a report that something like
18 a card is found east of a fence, but two years,
19 three years later that can be confusing even to a smart
20 young lady or person like yourself?

21 A. Yes.

22 Q. And so you have to go back and look at pictures
23 sometimes?

24 A. I'm glad I have them, yes.

25 Q. Right. So you're glad you have the pictures?

1 A. Yes.

2 Q. So you were able to look at the pictures so you
3 don't have to just guess where was this library card
4 found. You actually took pictures and we can show the
5 jurors?

6 A. Yes, we can't guess.

7 Q. We cannot guess.

8 But these pictures will certainly explain to
9 the jurors where you found this library card?

10 A. Yes.

11 MS. KEENE: Your Honor, we would offer in
12 Defense Exhibit No. 12 through 17.

13 THE COURT: Defense 12, 13, 14, 15, 16, 17?

14 MS. KEENE: Yes, sir.

15 THE COURT: Got it.

16 MS. RAY: No objection, Your Honor.

17 THE COURT: All right. Exhibits 12, 13, 14,
18 15, 16, 17 each admitted.

19 (Defendant's Exhibit No. 12 - 17 admitted)

20 MS. KEENE: Thank you, Judge.

21 Permission to publish by the projector,
22 ELM0?

23 THE COURT: You may do that.

24 While you're setting it up, we talk about
25 "ELM0" through this trial. For purposes of the trial

1 record, it's not little pink Sesame Street character.
2 It's a high-tech operated overhead projector that can
3 magnify and zoom. And it is for use by lawyers in
4 court. So any time the word "ELMO" appears, it means
5 whatever is being displayed is being put on a
6 larger-than-the-American-flag-size screen and it's
7 viewed by all participants in the trial and the jury.

8 And that's the only time I intend to state
9 that.

10 State, agree with that?

11 MR. ROUSSEAU: Yes, Your Honor.

12 MS. RAY: Yes, Your Honor.

13 THE COURT: Defense agree with that?

14 MS. KEENE: We do, Judge.

15 THE COURT: All right. You may proceed.

16 Q. (BY MS. KEENE) We're now looking at Defense
17 Exhibit No. 12 and you recognize what this is?

18 A. Yes.

19 Q. And is this the library card we've been talking
20 about?

21 A. Yes.

22 Q. And would this be called the close-up?

23 A. Yes.

24 Q. And that would be one side?

25 A. Correct.

1 Q. All right. And then Defense Exhibit No. 13 would
2 be the other side?

3 A. Yes.

4 Q. And then whose name is on there?

5 A. It appears to be Mechelle Gandy.

6 Q. At the time -- this is during the day, correct?

7 A. Correct.

8 Q. By this time you know the name of the person that
9 had been killed?

10 A. Certainly.

11 Q. Okay. So you know that this is significant?

12 A. I believe it -- it could be, yes.

13 Q. All right. And we'll get to that. Fourteen,
14 this is a midrange?

15 A. Yes.

16 Q. Now, we'll get that in the bigger one. All
17 right. Here's 15. Defense Exhibit 15.

18 And what is Defense Exhibit No. 15 showing
19 the jurors?

20 A. This is a farther distance away from evidence
21 marker 42. It is beginning to show you what the item's
22 location is and bearing to the crime scene by showing
23 you other items around the evidence item.

24 Q. And so -- do you have a pointer up there?

25 A. Yes.

1 Q. Where is the -- actually, let's start here.

2 Where is the -- what is this? Is that
3 anything you did, these markings?

4 A. No, they're not.

5 Q. So the red marks were already there?

6 A. Yes.

7 Q. Where is the fence line?

8 A. The fence line is running up at the top left-hand
9 corner of this photograph.

10 Q. And we've got another picture that will show it a
11 little bit better.

12 Here is 16. And is that basically 15
13 without the marker on it?

14 A. Yes. Yes, it is.

15 Q. And that's not part of the picture, is it?

16 A. No. That's your pointer.

17 Q. I don't know what's up with that. All right. I
18 guess we could -- whatever -- right there is where the
19 library card is?

20 A. Yes.

21 Q. And then in the grand scheme of things, where it
22 is, 17, does that help kind of put a perspective on
23 where it was found in relation to Mechelle's house?

24 A. Yes, it does.

25 Q. And explain to the jurors where that is, or how

1 that shows that.

2 A. This is the outside corner of the building. The
3 spare bedroom would be in this -- centrally located in
4 the photograph here. The fence line running behind her
5 apartment, indicated here. The culvert is then running
6 toward the parking area in front of the apartment, which
7 is out of the range of the photograph, in the lower
8 right-hand quadrant.

9 Q. And this yellow tape right here, is that the type
10 of tape that we were talking about that y'all put around
11 the perimeter of the house --

12 A. Yes.

13 Q. -- so to secure it?

14 A. Yes, it is.

15 Q. Would that type of tape have been all out and
16 around in the parking lot at some point?

17 A. Yes, it would have.

18 Q. And then does it keep getting narrower and
19 narrower coming in?

20 A. As the scope of the investigation focuses in,
21 they will sometimes bring the barrier in closer, because
22 it's easier to control with less patrol vehicles.

23 Q. Okay. Now, this card being outside of her house
24 was significant enough for you to collect, correct?

25 A. It is not in the same location as the rest of the

1 debris from inside the apartment; therefore, it has to
2 be considered potentially significant.

3 Q. Because there was a lot of debris from her
4 apartment outside, and we're going to show pictures of
5 that.

6 A. Right.

7 Q. So this also could be like the bed, nothing?

8 A. Yes.

9 Q. This could also be firefighters throwing hoses
10 inside a house where there's debris?

11 A. Yes.

12 Q. But because this is different than a big mass of
13 debris, this was significant for you to take pictures,
14 document and actually take that card?

15 A. Yes.

16 Q. Just in case?

17 A. Yes.

18 Q. Because we can't -- we could never go back and
19 find that card again?

20 A. Correct.

21 Q. Where was the major amount of debris?

22 A. The majority of the debris was outside of the
23 spare bedroom window.

24 Q. Front yard? Backyard?

25 A. Backyard near the patio.

1 Q. Let me show you what's been marked as Defense
2 Exhibit No. 18 and ask you if you recognize that?

3 A. Yes, I do.

4 Q. Would that help explain to the jurors kind of how
5 the layout is heading into the backyard?

6 A. Yes, it would.

7 Q. How -- who took that picture?

8 A. I took that picture.

9 Q. Let me show you Defense Exhibit No. 19. Do you
10 recognize 19?

11 A. Yes, I do.

12 Q. How do you recognize 19?

13 A. It is basically the same area, just photographed
14 a little closer up.

15 Q. So it's doing the same thing you've talked about
16 where you would go back and then you'd, what, take a
17 couple of feet, walk a couple feet and take another
18 pictures?

19 A. Actually, it's the opposite. We start from far
20 away and focus in on our object of interest.

21 Q. Okay. I think we said the same thing. We just
22 said it a different way.

23 Defense Exhibit No. 20. Do you recognize
24 Defense Exhibit No. 20?

25 A. Yes.

1 Q. And does Defense Exhibit 20 show where one of the
2 lighters was found?

3 A. Yes, it does.

4 Q. And did you take that picture?

5 A. Yes, I did.

6 Q. All right. Now, Defense Exhibit No. 21. Do you
7 recognize 21?

8 A. Yes, I do.

9 Q. And what is that going to help you explain to the
10 jurors, in 21?

11 A. It demonstrates the amount of debris that was
12 removed from both the upstairs apartment and Ms. Gandy's
13 apartment by Investigator Lea.

14 Q. And so these pictures that we're looking at right
15 now, we started out at dark, the 21 I just showed you is
16 daytime, correct?

17 A. Yes.

18 Q. And so this was the next day when you went -- or
19 this was that morning. Once the light turns, you're now
20 outside again?

21 A. Yes.

22 Q. So you took pictures when it was dark and then
23 you went back outside when it was light and took more
24 pictures?

25 A. Yes. It's definitely a good idea to do that.

1 Q. Plus your scene was actually changing, wasn't it?

2 A. I'm not sure I understand.

3 Q. Well, if Lea was throwing debris out, then that
4 didn't look like that when you arrived?

5 A. Correct.

6 Q. Okay. Number 22, is that -- what is that a
7 picture of?

8 A. It is another angle depicting that same debris.

9 Q. And would these help you to explain to the jurors
10 how this was set up out there in the back?

11 A. Yes.

12 Q. Was that back gate open or shut when you saw it?

13 A. I believe it was open. Otherwise, I would have a
14 photograph depicting it being shut.

15 Q. And all the pictures you have are of this gate
16 being open?

17 A. Correct.

18 Q. You have pictures of it at night being open; is
19 that correct?

20 A. I would have to check. I believe so. Yes.

21 Q. And you have pictures of it during the day being
22 open?

23 A. Yes.

24 Q. I'm going to hand you what has been marked as 23
25 through 26 and ask you if those would -- if you took

1 those pictures?

2 A. Yes, I did.

3 Q. And did you take those pictures during the day or
4 at night?

5 A. During the daytime, it appears.

6 Q. And what are those pictures of?

7 A. These are pictures showing the gate. I guess you
8 could call it a locking mechanism. It's just some wire.

9 Q. Okay. So this is an up-close -- close pictures
10 of what that gate looked like, what the condition of
11 that gate was in her backyard?

12 A. Yes.

13 Q. And you took those during the daytime?

14 A. Yes.

15 Q. But you also have a picture of the gate at
16 nighttime?

17 A. Yes, I do.

18 Q. And do these -- and these fairly and accurately
19 depict what you saw out there?

20 A. Yes.

21 Q. And then let me show you what has been marked as
22 27 -- and 28 has been admitted on the State's side, but
23 just keep -- just for me not having to dig through that
24 stack, if you'll look at those two again and see if you
25 recognize what those pictures were attempting to show

1 that you took?

2 A. Yes.

3 Q. Would those fairly and accurately help you
4 explain to the jurors where the screwdriver was that you
5 found out there?

6 A. Yes.

7 MS. KEENE: We would offer in 27 and 28.

8 MS. RAY: No objection, Your Honor.

9 MS. KEENE: Twenty-three through 26.

10 THE COURT: Through 26?

11 MS. KEENE: Yes.

12 THE COURT: Twenty-three through 26. Okay.

13 Continue.

14 MS. KEENE: And 18 through 22.

15 MS. RAY: No objection, Your Honor.

16 THE COURT: All right. Defense 22, 21, 20,
17 19, 18, 23, 24, 25, 26, 27, 28 are each admitted.

18 (Defendant's Exhibit No. 18 - 28 admitted)

19 MS. KEENE: May I publish them using the
20 ELM0?

21 THE COURT. Yes, you may.

22 Q. (BY MS. KEENE) All right. What is Defense
23 Exhibit No. 22 showing the jurors?

24 A. This is a photograph of the debris that was
25 outside of the spare bedroom of the apartment.

1 Q. Where is the back door to Mechelle's house?

2 A. It is just above center in the photograph, off of
3 the patio area.

4 Q. And so in your diagram where it's marked "patio",
5 is that this little area right here?

6 A. Yes.

7 Q. And in your diagram y'all did not account for
8 the grass area or the fence?

9 A. Does not appear that CSI Tricksey included those.

10 Q. Okay. So basically it includes this right there.
11 Where is that lighter found?

12 A. It is on the corner of a patio table, which is
13 right in this location here. The lighter is on the
14 corner here.

15 Q. And then all this is what you've classified as
16 "debris"?

17 A. Correct.

18 Q. And right here is the window to what -- which
19 bedroom?

20 A. The spare bedroom.

21 Q. And so all this is what Lea -- or at least some
22 of it -- this is certainly what Lea has been kicking out
23 as he's been sifting through the room?

24 A. Correct.

25 Q. So this is the evolving crime scene, so to speak,

1 in the backyard?

2 A. Yes.

3 Q. Because when you first got there -- this is a
4 daytime picture, isn't it?

5 A. Yes.

6 Q. And when you first got there, this level of
7 debris was not in the backyard?

8 A. There was debris, but not that level.

9 Q. There was debris that the fire left and the
10 firemen left -- not the fire -- the investigator left?

11 A. Correct. It was from the second-floor apartment,
12 I believe.

13 Q. So up here also had fire damage and some of these
14 things possibly, probably not that, but some of these
15 other things possibly could have come from upstairs?

16 A. Yes.

17 Q. Twenty-one is basically just tilted and turning
18 it so that you can see the fence, is that correct, right
19 in here?

20 A. Correct.

21 Q. And so there was no measurements as far as how
22 wide this is, was there?

23 A. I don't believe she took measurements of that.

24 Q. Okay. But it's not a tiny backyard, but it's not
25 big?

1 A. No, it's not big, no.

2 Q. Does it go very far back this way, or is that
3 fence right there related to her apartment?

4 A. I don't recall.

5 Q. When you stood at this fence -- I know you
6 didn't -- and I've looked through your notes and I've
7 talked to you. I know you did not take dimensions on
8 how tall this fence was. But when you stood at it, was
9 it significantly taller than you?

10 A. Yes. It was at least a couple feet taller than
11 me.

12 Q. How tall are you?

13 A. Five-foot-five.

14 Q. So it's a good seven- to eight-foot fence?

15 A. I would say so.

16 Q. It's not your six-foot-tall, small fence that are
17 sometimes found in residential areas?

18 A. No.

19 Q. And her -- did any of the -- did any of that
20 fence appear to be tampered with?

21 A. Not tampered with. It was blackened in this area
22 from the fire.

23 Q. Did anything appear to be like it had rotted out
24 where somebody could have squeezed through or gotten
25 through?

1 A. Not to my recollection, no. It would have been
2 documented.

3 Q. Exactly. If you saw an area where you thought,
4 ooh, someone could easily come right through that hole,
5 you would have documented, taken pictures, again,
6 up-close, medium and back pictures, correct?

7 A. Yes. Yes.

8 Q. What is Defense Exhibit No. 20 showing the
9 jurors?

10 A. This is a photograph of the lighter that was
11 located on the patio table.

12 Q. Okay. That's the same patio table we just
13 described?

14 A. Yes.

15 Q. Okay. Now, going back to that fence, this is a
16 nighttime picture, isn't it, Number 19?

17 A. Yes.

18 Q. Is this outside of her yard looking in, so to
19 speak?

20 A. Yes. The parking area would have been to my back
21 as I took this photograph.

22 Q. So the parking area is towards the audience here,
23 in theory?

24 A. Behind me, as I'm seated, if I'm looking at the
25 fence from where I'm seated, that's confusing.

1 Q. It is. We'll keep going. Don't worry about it.

2 A. It's out of frame in this area over here.

3 Q. We'll resolve it. Don't worry about it.

4 I think you took a backup picture. But
5 neither here nor there, this is at nighttime. Would you
6 have gone and taken these pictures before you took the
7 ones on the inside, or how did that take place?

8 A. Yes. This would have been part of the
9 documentation of the exterior scene, which -- before I
10 ever made entrance into the apartment.

11 Q. So whenever you arrive, you -- camera is first
12 thing you're going to do?

13 A. Notes about my initial observations will be
14 first, but the camera is a close second, yes.

15 Q. And you start outside in?

16 A. Yes.

17 Q. And so basically you will have walked around the
18 perimeter as much as you can of her apartment and taken
19 pictures of what it looks like at almost midnight?

20 A. Yes.

21 Q. So this is almost midnight in the condition that
22 you saw it in?

23 A. This would have been past midnight. I arrived at
24 2347. I would have had to meet with the officer, take
25 notes. It would have been past midnight, but close to

1 it.

2 Q. So nighttime?

3 A. Yes.

4 Q. And one of the first things you did?

5 A. Yes.

6 Q. And this also -- you're taking pictures just to
7 preserve it, but, also, if that gate is open, I mean,
8 that potentially could be significant?

9 A. Yes.

10 Q. Or it could, again, be a fireman opening that
11 gate?

12 A. Yes.

13 Q. Because he ran through the inside and he needed
14 to get out and took off out...

15 A. Yes.

16 Q. So that's either significant or it's not,
17 correct?

18 A. Correct.

19 Q. Can you tell what that is? Let me show you a
20 close-up.

21 A. No. A vine or a stick perhaps, a branch.

22 Q. It appears to be something that has got some
23 sticker things on it, doesn't it?

24 A. A bramble. It does look like it has sharp
25 protrusions.

1 Q. It looks like barbed wire to me, but it's hard to
2 believe it would be barbed wire right there?

3 A. No. It -- it appears to have a tan end on one
4 side. In -- in this photographic I see it more clearly
5 than your ELM0, which indicates it might be a -- a -- a
6 branch or something that's stripped of bark at the end.

7 Q. Like briars?

8 A. Possibly.

9 Q. Are you from Texas?

10 A. No, ma'am.

11 Q. Well, they grow here. They love us.

12 All right. Let's see. This is during the day,
13 okay. And you can tell that, can't you, from this
14 picture?

15 A. Yes.

16 Q. Because of the sky?

17 A. Yes.

18 Q. So how come you would have come back again and
19 taken another really almost the same picture you took
20 from before?

21 A. A lot of times things are better visualized in
22 the day. Sometimes it's easier to portray what it is
23 that you're looking at. If I'm ever on a scene that
24 extends from nighttime in to daytime, I do try to take
25 daytime photographs just to assist in court at some

1 point.

2 Q. Now, do you see whatever was there is no longer
3 there?

4 A. Yes.

5 Q. But now there's this big long thing?

6 A. Yes.

7 Q. And looking at State's -- or Defense Exhibit
8 No. 18, can you tell what that -- if that big long thing
9 was in the prior exhibit or does it appear -- what does
10 it look like to you, if you can tell?

11 A. I don't know, a vine maybe. I hate to speculate.

12 Q. Okay. But it wasn't there at nighttime and now
13 it's there during the day?

14 A. Yes.

15 Q. It's long, where before, it seemed to be kind
16 shriveled around, or who knows?

17 A. I really don't know.

18 Q. But that's why you take pictures, isn't it?

19 A. Yes.

20 Q. All right. So this is now an up-close picture of
21 the back gate during the day; is that correct?

22 A. Yes.

23 Q. And now it's got this evidence during the day...

24 A. Crime scene barrier tape.

25 Q. Yes. Crime scene barrier tape. There you go.

1 A. Yes.

2 Q. But what is this picture showing the jurors?

3 A. Again, it's a daytime photograph used to depict
4 the gate, the condition of the gate, the debris in the
5 backyard of the premises.

6 Q. Right in here is just debris?

7 A. Yes.

8 Q. Where is this locking mechanism?

9 A. I really hate to call it that. It's just a wire,
10 but it's here.

11 Q. Okay. Let's get a better view of that wire. Is
12 State's -- is Defense Exhibit No. 25 a better view of
13 the wire?

14 A. Yes. It's a midrange photograph of the wire, as
15 you can see, attached here and free-hanging.

16 Q. And because I think you got to look at it close,
17 does it look like it loops around, or is that that same
18 thing, just probably a briar or something behind it, in
19 this picture, 25?

20 A. We're discussing, to be clear, this?

21 Q. Yes.

22 A. Yes. It's almost easily apparent as a sticker
23 bush, is what we call them back home. But a briar
24 branch.

25 Q. Sticker bush?

1 A. Sticker bush.

2 Q. Good name. Okay. So that's not part of this?

3 A. No, ma'am.

4 Q. But it kind of -- you can see it kind of looks
5 like that in this picture. Maybe not.

6 A. Well, it goes through the fence, I guess.

7 Q. All right. So what it is, is -- this locking
8 mechanism is a wire that comes down and keeps coming,
9 doesn't it?

10 A. Yes. It terminates in some sort of a loop.

11 Q. And then is there also a wire down in here, I
12 guess, that's supposed to do something?

13 A. Uh-huh. Yeah. I'm not really sure what, though.

14 Q. Okay. This is a close-up of this thing that you
15 said you're afraid to call a locking mechanism, and I
16 understand why. What is that showing, the end?

17 A. That's the termination, the end of it. It ends
18 in a loop. It was similar to a wire coat hanger.

19 Q. And then in Defense Exhibit No. 26?

20 A. This is the point along the wire where they -- it
21 appears they tried to make it longer by twisting them
22 around each other, two segments possibly. But it was
23 midway in between the gate and the end of it.

24 Q. Not a professional locking job here at all?

25 A. No.

1 Q. This would not make you feel safe at your house,
2 would it?

3 A. No.

4 Q. Okay. When you were out there, you also passed
5 by on the side -- so basically if you're at her gate and
6 now I'm walking towards the parking lot to my left,
7 there was this, correct?

8 A. Yes. If you're going from the gate to the
9 parking lot, that would be on your left.

10 Q. Did it look like that?

11 A. Yes.

12 Q. And did you -- were you able to determine if it
13 looked like that, like it's been looking like that?

14 A. I have no idea.

15 Q. So you don't know if the firemen did this or not?

16 A. I don't know.

17 Q. But you looked inside that?

18 A. Yes.

19 Q. Why?

20 A. Seemed like a good place to dispose of something,
21 possibly somewhere someone wouldn't look.

22 Q. And particularly if you're coming out of that
23 gate, that does make sense, doesn't it?

24 A. Very close to it, yes.

25 Q. And so you look down and you see something in

1 there, right, in 28?

2 A. There are several things down in the bottom
3 amongst leaves and debris, one of which is a
4 screwdriver.

5 Q. And you said you first saw the screwdriver. Did
6 you take that picture whenever you saw the screwdriver?

7 A. I believe, if this is from the series of scene
8 photographs, this is a photograph on the day that I
9 located it.

10 Q. And can you show the jurors where that is? It's
11 hard to see in theirs.

12 A. It is right here.

13 Q. And it's laying on top of a bunch of leaves?

14 (Pause in proceedings)

15 MS. KEENE: Let me go old school.

16 THE COURT: It's allowed.

17 Q. (BY MS. KEENE) Is my finger on the screwdriver?

18 A. Yeah. You can see a portion of the screwdriver
19 is covered by debris and a portion of it is not.

20 Q. So when you look down, you could see the
21 screwdriver with your bare eyes?

22 A. Yes.

23 Q. So it's not like you had to dig through the
24 debris?

25 A. No.

1 Q. And so when you looked down and you saw this
2 screwdriver that first time, you took a picture of it,
3 correct?

4 A. I did.

5 Q. But did you not collect it?

6 A. I did not.

7 Q. And then you finish your business and you go
8 home, right?

9 A. Eventually, yes.

10 Q. Eventually. And then as any good crime scene
11 officer, this bothered you?

12 A. Yes.

13 Q. Because you didn't collect it?

14 A. Yes.

15 Q. And so you were able to solve that, right?

16 A. Yes.

17 Q. And you went and collected it?

18 A. On my next shift, yes.

19 Q. And so how many days after did you go collect
20 this?

21 A. Ten hours.

22 Q. So it wasn't even a day?

23 A. No.

24 Q. But had you not done that and we were in this
25 courtroom, you would be very upset, wouldn't you?

1 A. Yes.

2 Q. It would have been bothering you for years,
3 really?

4 A. It would have been.

5 Q. So you knew that you need to go get it because of
6 why?

7 A. Conscientiousness. I don't know.

8 Q. Oh, yeah, that's true. But you couldn't go back
9 and get it today, potentially, right?

10 A. Correct.

11 Q. It certainly wouldn't be in the same condition it
12 was on the day that this young lady was murdered?

13 A. No.

14 Q. And you're only the person -- and you really are
15 the only person that gets to choose or not what evidence
16 is coming into this courtroom. Never thought of it that
17 way, did you?

18 THE COURT: Is that a question?

19 MS. KEENE: Yes, it is.

20 THE COURT: So you can give an opinion if
21 you have one.

22 THE WITNESS: I think that the attorneys
23 decide what comes into the courtroom.

24 Q. (BY MS. KEENE) That's a good answer, I guess.
25 But they can't put anything into evidence

1 that you didn't collect, correct?

2 A. Correct.

3 Q. Let me show you what has been marked as Defense
4 Exhibit 29 and ask you if you recognize that?

5 A. Yes.

6 Q. What is 29?

7 A. It is item SFR-54, which is the screwdriver in
8 question.

9 Q. And where did you take this picture?

10 A. That was taken in my lab at 620 West Division,
11 the main police station.

12 Q. And how come you took a picture of this, as well
13 as other items of evidence, in your lab?

14 A. I always try to take lab photographs of evidence
15 that I collect because it's under controlled lighting,
16 controlled situation and I have time to examine them and
17 get photographs of the pertinent information.

18 Q. And so do you think this would help the jurors in
19 knowing exactly what the screwdriver looked like, as
20 opposed to that little tiny picture?

21 A. Yes.

22 MS. KEENE: Judge, we would offer in Defense
23 Exhibit No. 29.

24 MS. RAY: No objection, Your Honor.

25 THE COURT: All right. Defense 29 is

1 admitted. Defense 29.

2 (Defendant's Exhibit No. 29 admitted)

3 MS. KEENE: Permission to publish by ELM0?

4 THE COURT: Yes.

5 Q. (BY MS. KEENE) And so is this -- tell us what
6 this is.

7 A. This is a picture of the screwdriver that was
8 collected from the build-out.

9 Q. And so this, just like any piece of evidence,
10 could be very significant or it could not be significant
11 at all?

12 A. Yes.

13 Q. But because it could be significant, you
14 collected it?

15 A. Right.

16 Q. It was certainly at the right place?

17 A. It was around a place that might need a
18 screwdriver to do work on. However, it also could have
19 been disposed of by someone who used it to pry open a
20 back door.

21 Q. Exactly.

22 A. I don't know.

23 Q. And you had pry marks on a back door?

24 A. Yes.

25 Q. So when you have pry marks on a back door and

1 you're a good crime scene officer and you see a
2 screwdriver that could easily have caused those pry
3 marks, you need to go collect it, and you did?

4 A. I -- yes, I feel like you do.

5 Q. Okay. Before we go into some of the pictures of
6 the crime scene, I want to go over these, the dimensions
7 in the diagram that we put in before. Okay?

8 A. Yes.

9 Q. Let's start with No. 7. We're not going to go
10 through these individually, but to give them an idea
11 of the work y'all did out there and why did you this.
12 So this is your report; is that correct?

13 A. No. This is CSI Tricksey's sketch and her
14 attached documentation which lists out the actual
15 physical measurements.

16 Q. And you helped her do some of these measurements,
17 correct?

18 A. Yes. It's a two-person job.

19 Q. Because you've got to have one person on one side
20 holding the tape measure and the other person at the
21 other side, or how do you do know that?

22 A. At the time we were using a standard tape
23 measure. Now we have a laser measuring device, which
24 enables one person to be able to obtain the same
25 measurements. But we were, as you said, old school

1 doing things at this time.

2 Q. Defense Exhibit No. 7 has got 19 items on the
3 first page, 1 through 19; is that correct?

4 A. Yes.

5 Q. Just to make it more confusing, it's SFR-2
6 through 20?

7 A. I can explain if it makes it --

8 Q. Yeah.

9 A. -- for clarity purposes.

10 Q. Go for it.

11 THE COURT: Whoa. One at a time. Go ahead.

12 THE WITNESS: The first SFR item in any case
13 that I work will be a photo, CD or DVD. The first
14 evidence marker number that I use will always be number
15 one. So I will always be one number behind, just to
16 keep it confusing.

17 Q. (BY MS. KEENE) Okay. I like that. That's fun.
18 And now -- and of course all these numbers, what -- if
19 they've been introduced, they're going to have different
20 numbers on their evidence stickers here?

21 A. The numbers 1 through 19 will correspond with the
22 evidence marker placards that you see in the
23 photographs. The SFR numbers are for my property room
24 only and can be disregarded for our purposes here.

25 Q. All right. So what -- and the reason I'm

1 bringing this up is we don't need to think that, okay,
2 let's look at 12 and go to the plaque pictures and find
3 12 and think you're going to find the Marlboro
4 cigarettes?

5 A. Right.

6 Q. So --

7 A. Eleven is the Virginia Slims cigarettes and 12 is
8 a knife, but, yes, you're right.

9 Q. These numbers are not going to help us, just the
10 concept of what the evidence is that you recovered?

11 A. The numbers 1 through 19 will assist you. The
12 SFR numbers will not assist you.

13 Q. I understand then. So 11 on the placard is a
14 Virginia Slim?

15 A. Yes. Evidence marker number 11 in the photograph
16 will be a Virginia Slims cigarette package.

17 Q. Okay. Not the number here. All right. Now,
18 whenever y'all would do this, what is -- what's it
19 take -- use the -- let's do the pack of Virginia Slims,
20 number 11, SFR-12. What does "6'10, south of C, east of
21 E" mean?

22 A. If you look at the legend above the list that
23 you're looking at now, each wall, CSI Tricksey assigned
24 each wall a letter to keep it a little simpler. Instead
25 of saying ten feet from the east wall, she'll say ten

1 feet from wall G or D, however it coordinates. She has
2 her diagram with the evidence marker numbers. I believe
3 it is in evidence. I don't know what number.

4 MS. KEENE: Judge, may I approach her with
5 the large board?

6 THE COURT: Yes, you may.

7 THE WITNESS: Number 4.

8 Q. (BY MS. KEENE) State's Exhibit No. 4, does it
9 have A, B, Cs, all those numbers -- or letters?

10 A. Yes. As you can see A, B, C, D. Each wall that
11 is relevant to our measurements has been designated a
12 letter for clarity. So when CSI Tricksey states
13 six-foot, ten inches, south of C, she is coming to C,
14 coming down ten feet, six inches, and that is how far
15 away our number 11 would be from wall C.

16 Q. And you're -- are you showing them how 11 is the
17 same 11 up there, Virginia Slims?

18 A. I'm trying to.

19 Q. Right.

20 A. So C and 11, that's the distance, six foot, ten
21 inches, south. And we have our cardinal directions
22 here.

23 Q. And so that's what is the absolute accurate --
24 this is not to scale. This is just to give you an idea
25 of where things are?

1 A. Correct.

2 Q. That is the actual hundred percent accurate of
3 exactly where this particular item was?

4 A. Correct.

5 Q. Now, y'all also took measurements of the rooms,
6 correct?

7 A. Yes.

8 Q. And Tricksey put together a diagram; is that
9 correct?

10 A. Yes.

11 Q. And is that contained in Defense Exhibit No. 6?

12 A. Yes, it is.

13 Q. I just can't read those numbers from here. But
14 can you -- why don't you tell the jurors how big --
15 where is the front door?

16 A. Front door is here. Basically it's central in
17 the diagram.

18 Q. And is this the same diagram that we just held
19 up?

20 A. I believe it -- I believe she worked off the same
21 template, but I can't attest to that a hundred percent.

22 Q. But it certainly looks a lot the same?

23 A. Yes.

24 Q. Only this one has got numbers in it, correct?

25 A. Correct. We've removed the evidence markers so

1 that we could put the dimensions in without causing it
2 to be so cluttered that you couldn't understand what
3 was going on.

4 Q. All right. So if I live in the apartment
5 adjoining Ms. Gandy, where -- how far am I from her
6 front door, if I am standing at my front door?

7 A. Well, you've got 21 feet and 9 inches from the
8 front door area of this apartment to the terminate wall
9 here. The front door to Apartment 603 -- excuse me --

10 THE REPORTER: Could you slow down, please.

11 Q. (BY MS. KEENE) So basically you have under
12 20 feet, close to it?

13 A. Yes.

14 Q. If you're standing at the neighbor's door,
15 correct?

16 A. It appears to.

17 Q. When you were there, the whole time you were
18 there, Mechelle was here, correct, the deceased here,
19 correct?

20 A. Correct.

21 Q. There was not another car here?

22 A. No, there was not.

23 Q. There was not a car here and a barbecue pit with
24 some fajitas on it?

25 A. Not in the parking lot area.

1 Q. Right. However, there was Mechelle?

2 A. Yes.

3 Q. But if a person was sitting right here, had their
4 car here and had their fajitas, grill rolling, about how
5 far is that from the front door?

6 A. I would only be approximating it. Approximately
7 ten feet, half the distance between the retaining wall
8 here and her front door.

9 Q. And the best you can do is approximate, but at
10 least y'all have done your measurements so you can do a
11 pretty good approximation about how far a person would
12 be if they're right in this area from her front door?

13 A. Roughly.

14 Q. And how much distance is from, let's say, the end
15 here all the way down to here? And that's going to
16 require some math.

17 A. Allow me to tabulate?

18 Q. Absolutely. Do you want me to bring you this one
19 up here or you have one?

20 A. I have one.

21 I would say we could estimate it at between
22 28 and 30 feet.

23 Q. So it's about 30 feet from here to here?

24 A. Approximately.

25 Q. So if you're going to approximate from -- what

1 about that same -- about right in here to the end of
2 this, about how many feet is that?

3 A. I'm sorry. Could you show again where you...

4 Q. Basically about right in here in the front, about
5 where says "decedent" to about there.

6 A. Well, if we approximated that between eight and
7 ten feet just a moment ago and you add it to the 28 to
8 30, then you're looking at 36 to 40, I assume.

9 Q. Or you actually have to subtract this amount,
10 wouldn't you?

11 A. Again, subtract, what, ten feet.

12 Q. So you're probably looking at 25 feet-ish?

13 A. From?

14 Q. And we can get a calculator and do it pretty
15 exact, because she's done the measurements, correct?

16 A. Yes. I'm confused about what you're asking.
17 Sorry.

18 Q. Okay. If you -- let's just say where it says
19 "decedent one" to this corner, we're down here, about
20 how far would that be?

21 A. Well, if we had approximated looking -- we know
22 that is 22, right?

23 Q. Correct.

24 A. If we are thinking the door is at least a couple
25 of feet from the retaining wall, so we went to 20, and

1 assuming the decedent is halfway, at ten feet, and that
2 this, from the front door to the southern wall, is
3 approximately 28 to 30 feet, then you're looking at 38
4 to 40 feet.

5 Q. You just convinced me. I gotcha.

6 A. Got me, okay.

7 Q. All right. So from here to there is basically
8 40 feet-ish?

9 A. Yes.

10 Q. And here's the patio we talked about, correct?

11 A. Yes.

12 Q. And here's the back door, correct?

13 A. Yes.

14 Q. And was this back door open or closed whenever
15 you were there?

16 A. It was open during my time on the scene.

17 Q. And so the whole time you're there, this back
18 door was open?

19 A. Yes.

20 Q. Was -- is there a two-door process; in other
21 words, is this a screen door and a glass door?

22 A. Yes.

23 Q. Were they both open?

24 A. Yes.

25 Q. That is a very significant point for a crime

1 scene officer to make and you did make it in this case,
2 correct?

3 A. In most scenes it is very significant. In an
4 arson scene where the fire department has been through,
5 I think it loses some of its potential significance.

6 Q. Because who knows, could that have been firemen
7 or could that have been the murderer, who knows, that
8 left that open?

9 A. Correct, I don't know.

10 Q. All right. So back here, is it right about back
11 in here where is the fence line is?

12 A. Correct.

13 Q. And where is the gate?

14 A. The gate is going to be at the southwest corner
15 of the building, somewhat at an angle.

16 Q. And so the gate that was open, that we don't know
17 if it's significant that it's open, but it was open and
18 the little hinky-locking mechanism was right about in
19 here?

20 A. Yes.

21 Q. And then right about in here is that box where
22 you found the -- the screwdriver?

23 A. Yes.

24 Q. And then somewhere right about in here is where
25 you found the library card?

1 A. Probably right around in here. It appeared to be
2 a significant angle from the build-out and the
3 screwdriver. And I could see clearly the parking lot
4 area up here.

5 Q. Where did it appear that runoff -- could you tell
6 where the runoff came from?

7 A. I don't recall, with it being so long ago.

8 Q. Could you tell if it was going this way runoff or
9 this way runoff? You're --

10 A. Are you talking about topography?

11 Q. Yeah.

12 A. Elevation?

13 Q. Yes.

14 A. I believe it was running off towards the parking
15 area, but I could be wrong.

16 Q. So running from basically this to that direction,
17 taking whatever water's back here back that way?

18 A. Correct.

19 Q. Okay. All right. Now, in this area right here,
20 what is that?

21 A. That's the kitchen.

22 Q. And you described it as a small, gallery-type
23 kitchen?

24 A. It is -- galley is the way I describe it.

25 Q. I like to mispronounce words. I think you're

1 right, it is galley.

2 Where was the majority of the significant
3 amount of blood that you found?

4 A. The floor of the kitchen had the largest blood
5 pool, as we saw in our photographs yesterday. There was
6 also blood in the entryway and on this wall just inside
7 the front door, additional smaller amount of blood on
8 the doorjamb just west of the front door, a small amount
9 of blood on the western side of the bar, and a small
10 amount of blood on a box beneath the desk, along the
11 northern living room wall.

12 Q. And then we'll talk about this in a minute. And
13 then there's also a dishtowel back here that had
14 something on it, that you don't know if it was blood on
15 it, either?

16 A. It had the look of blood.

17 Q. So other than the dishtowel that had apparent
18 blood, under here that had apparent blood, was all the
19 apparent blood within the kitchen area?

20 A. Yes.

21 Q. Did Tricksey make a diagram of the kitchen area?

22 A. Yes.

23 Q. And if -- can you take that diagram and just
24 highlight the areas where there was apparent blood in
25 that -- in that kitchen area?

1 A. Yes.

2 Q. And I asked you to -- prepared you that that
3 might -- I might ask you that question?

4 A. Yes.

5 Q. Did I give you that diagram already?

6 A. Yes.

7 Q. Did I? Okay. Can you do that?

8 A. Yes.

9 Q. Do you need a highlighter?

10 A. Yes.

11 Q. I'm going to hand you two different red pens.
12 You can choose. And I'm going to mark -- show you
13 what's been marked as Defense Exhibit No. 30 and ask you
14 if you recognize that diagram?

15 A. Yes, I do.

16 Q. Is that a diagram of the kitchen area?

17 A. Yes, it is.

18 Q. And this is the diagram that we were just talking
19 about that you think would assist, in a conceptual way,
20 to show the jurors where the different apparent
21 bloodstains were?

22 A. Yes, I do.

23 Q. Okay. If you could mark it up for us.

24 (Pause in proceedings)

25 THE WITNESS: I'm finished.

1 Q. (BY MS. KEENE) Okay. And so on Defense Exhibit
2 No. 30, does that contain all of the areas where there
3 was blood, except for the apparent blood under the table
4 or desk and the apparent blood on the dishtowel by the
5 door?

6 A. Yes.

7 Q. So we're only missing two areas that you believe
8 you collected evidence swabs or something that appeared
9 to have blood on it?

10 A. Yes. But that's not actually accurate.

11 Q. All right. Here we go. And also write that
12 down.

13 A. I also believe there was an unknown red stain on
14 the knife block.

15 Q. Here we go.

16 A. So write what down?

17 Q. Write the areas -- is the knife block in the
18 kitchen?

19 A. Yes.

20 Q. Go ahead and put a mark -- or put "knife block"
21 where you think there is a...

22 Defendant's Exhibit No. 30, there are two
23 other areas that you believed had apparent -- and you
24 can write "apparent blood" where you -- and if you would
25 just write it down so it's clear.

1 A. So we're speaking about the box under the dresser
2 and the towel near the porch door?

3 Q. Yes, ma'am. You can just write those words so
4 the exhibit is complete.

5 And so do you now feel like Defense Exhibit
6 No. 30 is a complete showing of where you collected
7 samples or items that appeared to you to have blood on
8 it?

9 A. Yes.

10 MS. KEENE: We would offer Defense Exhibit
11 No. 30 into evidence.

12 MS. RAY: No objection, Your Honor.

13 THE COURT: All right. And for the record,
14 what you had her hand-write is also in the same red ink
15 you had her mark the other things; is that correct?

16 MS. KEENE: Yes, sir.

17 THE COURT: All right. Defense 30 is
18 admitted.

19 (Defendant's Exhibit No. 30 admitted)

20 MS. KEENE: Permission to publish via ELM0?

21 THE COURT: Hand it to her and let her log
22 it and let her date it.

23 (Pause in proceedings)

24 MS. KEENE: Do you care if I put the sticker
25 on, or do you want me to let her do all of it?

1 THE COURT: I would just let her write a
2 sticker. She writes what it is, she logs it --

3 MS. KEENE: Right.

4 THE COURT: -- and that keeps -- it makes
5 her job easier and keeps the record clearer.

6 MS. KEENE: I will do that.

7 Q. (BY MS. KEENE) All right. Let me show the
8 jurors what Defense No. 30 is showing them.

9 A. This is a diagram of the kitchen area.

10 Q. Where is the front door to orient them?

11 A. Front door is here.

12 Q. And that front door opens -- and I know this is
13 not to scale, we can -- we'll ultimately look at
14 pictures. But when that front door opens, does it open
15 and cover up this wall?

16 A. Yes. It opens in towards the closet door here.

17 Q. And it's big enough to -- basically if that door
18 is open, it's going to cover up almost that whole area?

19 A. It was wedged open during my time on scene and I
20 did not attempt to fully open it to see. But it is a
21 large door. It's larger than the closet door.

22 Q. Okay. And right when you open up that door -- or
23 let's go backwards. Behind the door then, the front
24 door, at 27, what was that that you found that you
25 thought was blood?

1 A. Apparent blood on the floor.

2 Q. And so that's blood on the floor --

3 A. Yes --

4 Q. -- right in here?

5 Twenty-nine is also behind the door; is that
6 correct?

7 A. Yes. That's blood on the closet door and door
8 frame.

9 Q. And like I said, we'll go back over there with
10 the pictures, but is this -- this is actually a
11 significant amount of blood on the door?

12 A. Yes.

13 Q. This is the amount of blood that's really at the
14 door frame?

15 A. Yes.

16 Q. This is the one that's on the wall, or the door
17 of the closet?

18 A. Correct. Any time you see an arrow, it's going
19 to be indicating that something is raised or elevated,
20 as opposed to being on the floor.

21 Q. Okay. Thank you. I did not know that. So 24
22 then is what?

23 A. That is the area of apparent blood that's right
24 at the baseboard on the northwest corner of the door
25 frame here.

1 Q. Okay. And then 25 is what?

2 A. The apparent blood on the wall as you enter the
3 apartment.

4 Q. All right. And that's where also there was a
5 number of droppings or what appeared to be blood coming
6 down the wall?

7 A. Yes.

8 Q. Was here and that is at 25?

9 A. Yes.

10 Q. What about 31, what is that?

11 A. The apparent blood on the face of the cabinets
12 that we saw yesterday.

13 Q. And that was where -- it was actually on wood so
14 it was harder to see?

15 A. Yes, it was.

16 Q. But it was more dotted than dropping, than
17 gravity pulling?

18 A. Correct. It didn't have specific directionality
19 that was really evident.

20 Q. And y'all documented the height of where these
21 began, or ended in a lot of them, didn't you?

22 A. In many of them, yes.

23 Q. And then what about 41? What was 41? What was
24 the blood there?

25 A. It was an apparent bloodstain on both the wall

1 and at the baseboard.

2 Q. And was this also a significant amount in here?

3 A. Not as significant, no.

4 Q. Not like what was really in 27 -- and -- or 25
5 and 29?

6 A. Correct.

7 Q. Were those the two bigger areas?

8 A. Yes.

9 Q. As far as when you just like liked a wall and
10 went, oh, like, you know, I know what I'm seeing?

11 A. Yes.

12 Q. Okay. Where was the dark area where you said you
13 couldn't really see the red on the wall but it did look
14 like it was something coming down?

15 A. That is the northern wall of the -- beginning in
16 the living room, leading into the front door. It's to
17 the west of the front door. So it would be this area
18 here.

19 Q. So this area is what looked like blood, but it
20 was -- it had a lot of soot on it or something on it
21 that made it dark and it looked like blood, though?

22 A. The pattern formation looked similar to the blood
23 that was at 25. However, the coloring was completely
24 different.

25 Q. And the wall was completely different, the

1 coloring from the fire?

2 A. Correct.

3 Q. Okay. Forty-one. What about 32? What was 32?

4 A. Thirty-two was the large blood pool that was
5 protected by the plastic from the lighting arrangement.

6 Q. Okay. And then what about 30?

7 A. Thirty was the blackened stain which was on the
8 range hood above the stove.

9 Q. And what about 35?

10 A. Thirty-five was the wooden knife block that did
11 have an unidentified red stain on it.

12 Q. And if you're dealing with -- at this point you
13 know you've seen enough or you know enough that Mechelle
14 has probably been stabbed as opposed to shot or
15 something?

16 A. Yes.

17 Q. In other words, you know a knife is a potential
18 thing that would be of use to kill her?

19 A. Yes.

20 Q. So if you see a red stain on even a kitchen block
21 knife, that's significant to anyone and certainly
22 significant to a crime scene investigator, correct?

23 A. Yes.

24 Q. And so you made note of it and you also collected
25 the whole block?

1 A. Yes.

2 Q. And that's the block the folks saw today,
3 correct?

4 A. Yes.

5 Q. And looking at her whole apartment and I know the
6 fire caused so much damage, the water, did it appear,
7 from what you could see, that there was any other areas
8 where a fight, or however you wanted to describe this,
9 happened?

10 A. I would not have been able to tell you that in
11 the condition the apartment was in when I arrived.

12 Q. So you can't look at that crime scene and say
13 this is where she was killed?

14 A. I cannot, no.

15 Q. And I know you're not a crime scene
16 reconstruction person.

17 A. Correct.

18 Q. There are people that do that?

19 A. Yes.

20 Q. But certainly, based on what you could see in
21 that house, if she had been stabbed in her own bedroom,
22 you weren't going to be able to determine that or not,
23 were you?

24 A. If there had been blood in the bedroom, I
25 certainly would have done my best to locate and document

1 it. That's as -- that's about as far as I can go with
2 that statement.

3 Q. And you didn't find any blood on her mattress
4 because that may have not gone away?

5 A. Correct. I did not see any, no.

6 Q. Or anything else in her bedroom, as -- like you
7 said as best you can say?

8 A. As best as I can say.

9 Q. So as best you can say, this is the area that
10 certainly had what appeared the most significant blood
11 from -- based on the state of the crime scene?

12 A. Yes.

13 Q. Okay. I also talked to you about explaining to
14 the jurors in a real life way, because all we know is
15 this, the blood, the apparent blood is in this room, is
16 giving them an idea about how big visually that room is.

17 A. Yes.

18 Q. Do you feel comfortable doing that?

19 A. Yes.

20 Q. And I promised you a measuring tape, correct?

21 A. Yes.

22 Q. Okay. So we could accurately show them the real
23 size of this entryway, right?

24 A. Yes. Yes.

25 MS. KEENE: Judge, may she step down so we

1 can do that?

2 THE COURT: Yes.

3 Q. (BY MS. KEENE) Looking at the courtroom and I
4 know you love the jury box, but let's not do it in the
5 jury box, so we can walk around. What area, here or
6 over here, do you think would easily show it?

7 Right where you're standing. Okay. I'll
8 let you have the tape measure.

9 A. The kitchen itself, the galley kitchen, measured
10 at three foot, three inches at its widest point. So not
11 even as wide as the distance between...

12 Q. So that's how wide the kitchen was?

13 A. Yes.

14 Q. All right.

15 A. Or was not.

16 Q. That's true. That's how wide the kitchen was
17 not. And so when you said short, compressed, it was
18 very compressed in there?

19 A. Yes.

20 Q. Now, let's give them an idea of -- so that's
21 about at -- it's about at -- can you look back there?
22 Is that about the edge of that ELMO table?

23 A. You can let it go.

24 Q. All right.

25 A. Yeah. You're about two inches shy.

1 Q. Okay. And now, let's see, from that, if you can
2 bring out the kitchen, how long it was from the door.
3 Do you have that measurement?

4 A. Yeah. We got math. Twelve feet, 10 inches. All
5 the way to the front door?

6 Q. Yes.

7 A. Because the kitchen itself was only nine foot,
8 eight.

9 Q. Well, let's go to the kitchen first so they can
10 see it and then we'll go to the front door.

11 A. The bar, which separated the southern wall of the
12 living room from that wall inside the entryway, so this
13 is -- this would be the length of the bar itself.

14 Q. Okay.

15 A. To about here.

16 Q. So the bar kind of defines the end of the
17 kitchen?

18 A. It does, pantry included.

19 Q. Okay. I'm like standing in front of all them.
20 Let me get out of it. Okay. It's about right there?
21 There we go.

22 A. So you're looking just about the distance from
23 that side to this table.

24 Q. Skinny?

25 A. And thin.

1 Q. And that's where most -- and that compressed area
2 is where most of the apparent blood was found by you?

3 A. Yes.

4 Q. And certainly the big amount is on the walls?

5 A. The walls and on the floor. The large pool on
6 the floor.

7 Q. And so we're talking about the floor was right in
8 this area?

9 A. And if someone were, say, laying on the floor of
10 the kitchen, there would not be -- on either side of --

11 THE REPORTER: There wouldn't be what?

12 THE WITNESS: A lot of room on either side
13 of that. Sorry.

14 Q. (BY MS. KEENE) Now, if you're in the kitchen
15 and -- I mean if you're at the front door and you walk
16 into the kitchen, how many feet do you -- if you walk
17 into the house, how many feet do you take before you're
18 right in the kitchen? How many feet do you...

19 A. How many feet is it?

20 Q. Yeah.

21 A. How steps would you take?

22 Q. That's actually what I asked you.

23 A. Well, your steps are different than mine, are
24 different than theirs, so it's tricky. So three foot,
25 two inches.

1 Q. So it's three -- show them again what three foot,
2 two inches is.

3 A. So this would have been the general foyer, I
4 guess if you'd like to call it, or entryway.
5 Approximately this far from...

6 Q. And so if you walk in, the door swung to the
7 left?

8 A. Correct.

9 Q. And behind that door area was the closet door?

10 A. Yes.

11 Q. But it's all compressed?

12 A. It is. It is very tight. It's a tight squeeze.

13 Q. And that's where a large amount of the blood was,
14 on that door?

15 A. Yes.

16 Q. Okay. Thank you.

17 A. It wasn't as bad as you said.

18 Q. Okay. All right. Have a seat back up here.

19 THE COURT: All right. Let the record
20 reflect that during the last series of testimony, the
21 witness was holding a traditional carpenter-type tape
22 measure, displaying measurements and distances in open
23 court, in the presence of the parties and the jury.

24 You may continue.

25 Q. (BY MS. KEENE) Let me show you what has been

1 marked as Defense Exhibit No. 32, 33 -- 31, 32, 33, 34,
2 35, and 36 and ask you if you recognize those pictures?

3 A. Yes, I do.

4 Q. Did you take those pictures?

5 A. Yes, I did.

6 Q. And do they fairly and accurately show the scene
7 as it looked at nighttime when you were there on 3/20?

8 A. Yes, it does.

9 MS. KEENE: I'd offer Defense Exhibit No. 31
10 through 36.

11 MS. RAY: No objection, Your Honor.

12 THE COURT: All right. Defense 31, 32, 33,
13 34, 35, and 36 each admitted.

14 (Defendant's Exhibit No. 31 - 36 admitted)

15 MS. KEENE: Permission to publish via ELM0?

16 THE COURT: You may do so.

17 Q. (BY MS. KEENE) When you arrived at the scene,
18 Ms. Gandy was out and they had already declared her
19 deceased, right?

20 A. Yes.

21 Q. And she was in the front area, correct?

22 A. Yes.

23 Q. And we saw from the diagram, if you're facing her
24 car, she was to the left of her car?

25 A. Yes.

1 Q. And right in front of this area there was a lot
2 of chalk, drawings and chalk; is that correct?

3 A. Yes.

4 Q. Was there also a little scooter out there?

5 A. A little blue scooter, yes.

6 Q. Like a little kid scooter?

7 A. Yes.

8 Q. And there was, you know, the little Tupperware
9 that -- did it appear to be what the chalk went in?

10 A. I don't know. Possibly.

11 Q. You did not collect this stuff, did you?

12 A. No.

13 Q. It appeared to be -- did -- a kid playing with
14 chalk didn't appear to be something that you needed to
15 collect?

16 A. No.

17 Q. So whatever it was, when you were out there at
18 the scene, this did not appear to be a part of what
19 happened in there?

20 A. No.

21 Q. So if that was significant, it didn't seem
22 significant to you because there's a bunch of chalk
23 around it?

24 A. Correct.

25 Q. All right. And as stated, there's not a car

1 right here next to Ms. Gandy's car?

2 A. No.

3 Q. And this is from the other side, you took -- as
4 you do -- as you start walking and taking your outside
5 pictures, tell the jurors where Defense Exhibit No. 32
6 is, what it's showing now?

7 A. This is a little further along, going towards the
8 gate, which we've looked at, which would be off to the
9 left side of the photograph. The door to the apartment
10 in question is just inside this recessed area. This is
11 the Honda. Ms. Gandy would be off the right edge of the
12 photograph on the other passenger side of the Honda.

13 Q. And so if somebody was in it -- was sitting on
14 their car or had a car over there that's by Ms. Gandy,
15 they would be off the picture in Defense Exhibit No. 32?
16 Does that make sense?

17 A. I'm sorry, could you repeat that?

18 Q. Well, I'll just show this picture. Defense
19 Exhibit No. 33, what does that show?

20 A. This is standing behind the white Honda.
21 Ms. Gandy is here, front door, in this area.

22 Q. And so if Ms. Gandy wasn't here and there was a
23 car here, they would basically be right in front of her
24 door?

25 A. Yes.

1 Q. So we looked at the measurements and we kind of
2 talked about how far that was, but visually this picture
3 shows you, if there's a car in this space, how -- really
4 how close ten feet is?

5 A. The angle is a little bit deceptive. But yes, it
6 gives you an idea.

7 Q. And that's why you do measurements because
8 pictures can be a little deceptive sometimes?

9 A. Absolutely.

10 Q. All right. You talked about there being a -- the
11 door propped open. Do you remember what it was propped
12 open with?

13 A. With a plastic ladle.

14 Q. What is that? This is Defense Exhibit No. 34.
15 Tell the jurors what that's showing.

16 A. A front door, exterior of the front door to the
17 apartment, plastic ladle.

18 Q. Well, what's a ladle?

19 A. A ladle is like a soup ladle.

20 Q. Oh, a ladle?

21 A. Ladle.

22 Q. Do you have any idea how that got there?

23 A. I do not know who placed that there.

24 Q. But that's the condition of the scene as you
25 arrived?

1 A. Yes.

2 Q. And also, that could be significant, but it could
3 also make sense the firemen would grab something out of
4 the kitchen and prop it open?

5 A. Yes. For ventilation purposes, to ventilate and
6 get smoke out so that I could do my job.

7 Q. Probably not their own ladle?

8 A. I don't think so.

9 Q. Okay. That's one of their tools, you never know.
10 Okay. And that's a -- this is more
11 close-up, although this ELM0 makes things dark, a ladle
12 stuffed in the door, correct?

13 A. Yes. The handle is here.

14 Q. Okay. And then right when you walk in, we kept
15 talking about as the door opens how there was what
16 appeared to be blood behind it. What does Defense
17 Exhibit No. 36 show the jurors?

18 A. It's the front door to the apartment, the closet
19 door just behind the front door and the apparent
20 bloodstain on that wall and door.

21 Q. And did you take measurements of high how high up
22 this was?

23 A. There -- we saw photographs yesterday with a
24 ruler in place, a long, standing yardstick.

25 Q. And that's not -- it was up, what, about two

1 feet?

2 A. I don't want to guess. I'd rather see the
3 photograph.

4 Q. I'll give you yesterday's pictures.

5 (Pause in proceedings)

6 THE COURT: Joetta --

7 THE WITNESS: I found it.

8 THE COURT: -- she found it.

9 Q. (BY MS. KEENE) How many feet up or inches up
10 where -- where did you measure in and looking at Defense
11 Exhibit 36?

12 A. The middle portion, the main center mass of the
13 largest stain is at approximately 24 inches from the
14 floor. The top -- the highest point here just below the
15 doorknob appears to be approximately 35 inches, with the
16 doorknob being an even three feet.

17 Q. The doorknob being even three feet?

18 A. From the floor.

19 Q. So the doorknob of the closet door is three feet
20 down?

21 A. Three feet up from the floor.

22 Q. Up from the floor or three feet down from the
23 doorknob? Three feet -- up from the floor to the
24 doorknob is three feet?

25 A. Yes, ma'am.

1 Q. There. This -- you called this a transfer-type
2 pattern?

3 A. Yes.

4 Q. How can -- how do you know that, or how can you
5 tell that when you look at it?

6 A. The way that the blood is, for lack of a better
7 term, flattened up against, as opposed to being in
8 droplet form, rivulet form almost, usually indicates
9 something bloody coming in contact with a surface and
10 then either sliding along the surface or -- like a
11 sponge that's damp or with paint. When you're pressing
12 it up against a wall, that's similar to the appearance
13 of a transfer pattern stain.

14 Q. And so this is like a real visual where it's a
15 principle of transfer in that because it's red and
16 blood?

17 A. It's easy to see that a bleeding person and a
18 wall came in contact there and left evidence.

19 Q. Can you tell when you look at that, or do you
20 have the ability to tell, the velocity of the transfer?

21 A. I do not.

22 Q. To know whether or not it's a hard hit or soft
23 hit or...

24 A. I don't have the training for that, no.

25 Q. And you don't have the training to reconstruct

1 what happened in this corner?

2 A. No.

3 Q. And there are people that are smarter than us to
4 be able to do that?

5 A. Better trained.

6 Q. Better trained, there you go. People that are
7 better trained to do that. For us to decide we know
8 exactly what happened in that corner is speculation,
9 correct?

10 A. Yes.

11 Q. Okay. And what we could tell from this and
12 what your training tells us is this is a transfer, these
13 right here. You have a different word for them and
14 that is called?

15 A. This is my term. It's looks like a "rivulet" or
16 a runoff wherein the initial transfer of blood was
17 significant enough that gravity pulls it from the stain
18 downward.

19 Q. And then this area in here had a different type
20 that you described?

21 A. It's a little farther in than what you were
22 pointing to here. They are hard to see because of your
23 arrow.

24 MS. KEENE: I don't know how you can
25 change...

1 THE COURT: There's a -- off the record.

2 (Discussion off the record)

3 THE WITNESS: They are here. These are
4 directional blood spatter patterns.

5 Q. (BY MS. KEENE) Directional as in?

6 A. As in when blood makes contact with a surface and
7 it is in motion, a tail forms on the blood droplet
8 itself which indicates the direction in which it was
9 traveling.

10 Q. What direction was this blood traveling?

11 A. From -- if we are staring at the door, we'll say
12 right to left, upwards to downwards, so in a motion such
13 as this.

14 Q. Right to left, upwards to downwards?

15 A. If you're standing, facing the door, yes.

16 Q. I understand. At the angle of -- can you tell
17 the angle when you're looking at a better picture, or
18 not really?

19 A. Again, I don't have the training. That requires
20 measuring with calibers the actual -- it's -- it's akin
21 to shooting reconstruction, but I am not a blood spatter
22 pattern person.

23 Q. And I appreciate you not speculating.

24 This door, though -- and then we're going to
25 take a break, I believe, or at least I think.

1 THE COURT: Uh-huh.

2 Q. (BY MS. KEENE) This door, if it shuts, it
3 basically covers up that door right there, that closet
4 door; is that correct?

5 A. From the angle that the photograph is taken, it
6 certainly does appear that way. Again, I didn't test
7 that theory on scene.

8 Q. Okay. But you do know that the front door was
9 bigger than the closet door?

10 A. It was definitely wider, yes.

11 Q. So that angle may not be as deceiving, it may not
12 be deceiving, it may be accurate?

13 A. Possibly.

14 Q. Okay. Thank you, ma'am.

15 THE COURT: All right. Let's take a stretch
16 break.

17 Did anyone drink any iced tea for lunch?

18 Yes. All right. Let's take a short stretch
19 break. Hit the buzzer when you're ready to come back.
20 Maybe about ten minutes.

21 (Break taken, 3:35 - 4:05 p.m.)

22 (OPEN COURT, DEFENDANT AND JURY PRESENT)

23 (Witness on the stand)

24 THE COURT: Still cross-examination.

25 Q. (BY MS. KEENE) Let me show you what has been

1 marked as State's Exhibit -- or -- Defense Exhibit
2 No. 37, 38, 39, 40, 41, 42, 43 and ask you if you
3 recognize those exhibits.

4 A. Yes, I do.

5 Q. And did you take all these pictures?

6 A. Yes, I did.

7 Q. And would they aid you in explaining to the
8 jurors the pattern that you found on the floor in the
9 kitchen?

10 A. Yes.

11 Q. As well as in the foyer area?

12 A. Yes.

13 MS. KEENE: I would offer 37 through 43.

14 MS. RAY: No objection, Your Honor.

15 THE COURT: All right. Defense Exhibit
16 No. 37, 38, 39, 40, 41, 42, and 43 are each admitted.

17 (Defendant's Exhibit No. 37 - 43 admitted)

18 MS. KEENE: Thank you, Judge. Permission to
19 display them on the ELM0?

20 THE COURT: Yes.

21 Q. (BY MS. KEENE) First, looking back at your
22 Exhibit No. 30, the kitchen area, most of these pictures
23 are of blood in that area; is that correct?

24 A. Yes.

25 Q. Where is that in the kitchen?

1 A. Most of the blood we're going to be looking in
2 those photographs is at evidence marker 32, in front of
3 the oven and range top.

4 Q. So --

5 A. On the floor.

6 Q. And so whenever they see -- and an "appliance",
7 we're talking about the oven?

8 A. Yes.

9 Q. And so these pictures relate to 32?

10 A. Yes, ma'am.

11 Q. And Defendant's Exhibit No. 39, what is that
12 showing the jurors?

13 A. This is showing part of that large substantial
14 blood pool on the kitchen floor. The oven is going to
15 be down off of the frame to the lower left.

16 Q. And were you able to see any sort of like
17 footprints or anything within the blood?

18 A. No. The blood itself is covered by the plastic
19 sheeting from the light.

20 Q. And is Defendant's Exhibit No. 39 showing the
21 blood with the sheet on top of it?

22 A. No. The sheet has been removed for this
23 photograph.

24 Q. Okay. So in -- right up in this area of the
25 photograph, okay?

1 A. Yes.

2 Q. In Defendant's Exhibit No. 39 did it appear to
3 have footprints up in that area?

4 A. There is tread pattern, what appeared to be tread
5 pattern in this area, yes.

6 Q. What is tread pattern?

7 A. Shoe tread, possibly equipment that will leave
8 its mark in soot or water-stained areas, even in blood,
9 which we do see a little bit of here. But the primary
10 blood pool that was covered by the plastic should be in
11 this area.

12 Q. Whenever you lifted, though, the plastic up was
13 there any sort of impressions, whether they be tread
14 marks or anything in the blood or in that area under the
15 plastic?

16 A. There was an impression in the blood from the
17 plastic itself. The plastic was like a grated pattern,
18 grate, G-R-A-T-E. And it was apparent in the
19 coagulation of the blood in some areas.

20 Q. And so -- and then just this -- maybe I'm not
21 understanding. This has the glass, or the plastic, on
22 top of it already, or the plastic's gone?

23 A. The plastic is removed. You see the straight
24 line where we have a very soot-covered floor, as opposed
25 to a mildly white creamish-colored floor. That is going

1 to be an area that was uncovered by the plastic, versus
2 an area that was protected in some fashion from the
3 plastic.

4 Q. But then -- and doesn't it appear that within
5 that whiter area, with the area that was already
6 covered, that there is some tread marks, there's
7 something other than blood or the floor?

8 A. Yes.

9 Q. And what do you do -- as a crime scene officer,
10 what can you do other than take a picture?

11 A. I would imagine that this photograph was taken
12 during the processing phase, but with firemen going in
13 and out of the kitchen and that location, there isn't
14 much I can do about that.

15 Q. You can say that's either -- as with some of
16 these things, that's either extremely significant or not
17 at all?

18 A. I can say it's not my shoe tread pattern. That's
19 about all I can tell you.

20 Q. That -- that's not you causing that?

21 A. Correct.

22 Q. But it could be a fireman's causing that?

23 A. It could be.

24 Q. Certainly the shoe patterns on top of the -- is
25 this a picture of the -- what does 42 show us?

1 A. This is a picture of the plastic sheeting over
2 the primary blood pool area. Again, you can see some
3 shoe tread markings in the soot on the plastic, as well
4 as soot on the floor.

5 Q. So based on this, you don't have to be much of a
6 Sherlock Holmes to figure out, firemen, somebody,
7 outside of being the killer, walked in this area because
8 that piece of the ply -- or that plastic is there?

9 A. Yes. That would have come down during the fire.

10 Q. But under it there's also some markings, and
11 whether or not that's caused by the killer or firemen,
12 we just don't know?

13 A. No.

14 Q. Do you know whether or not this piece of plastic
15 was there when they pulled Mechelle out? In other
16 words, was she on top of this or do you know whether or
17 not she was -- this came down after she had been pulled
18 out of the house?

19 A. I do not know the answer. That's how it was upon
20 my arrival.

21 Q. Defendant's Exhibit No. 40, what is that showing
22 the jurors?

23 A. This is underneath the oven. There was a drawer
24 for keeping pots and pans that slid out from the bottom
25 of the oven, and this is the area underneath it.

1 Q. Was it already slid out when you arrived?

2 A. No. I slid it out to look under there to see
3 if -- I wasn't missing anything.

4 Q. Okay. So you pulled out -- is that what's
5 depicted in 41?

6 A. Yes, it is.

7 Q. So you've now pulled out the -- or explain to us
8 what you've done in this.

9 A. This is the drawer in question. And she did have
10 several baking pans in that drawer. But this is showing
11 it removed from the oven, documenting my steps.

12 Q. And so this was not the way you found it; this is
13 the way you made it, so to speak?

14 A. Correct.

15 Q. Okay. Defense Exhibit No. 43 is a dollar bill.
16 What is that showing us, other than a dollar bill?

17 A. The dollar bill was on the kitchen floor at
18 evidence marker 33.

19 Q. So going back in our -- in the diagram of the
20 kitchen, it's at 33?

21 A. Yes, ma'am.

22 Q. And you collected that?

23 A. Yes, I did.

24 Q. Why? Why does that stand out to you as
25 something?

1 A. It's out of place. I find it odd to have a
2 dollar bill on our kitchen floor.

3 Q. Even with the firemen in there, it's a one-dollar
4 bill?

5 A. Yes. But it's also burned. It's singed. So I'm
6 not sure where it would have been located. It could
7 have been on the counter. It could have fallen out of
8 someone's pocket. I don't know.

9 Q. And then you also -- this shows a little bit
10 above -- of this, that you also began to document the
11 cabinets and what was inside the cabinets; is that
12 correct?

13 A. That's correct.

14 Q. And this also shows -- what does it -- or what
15 does it show down in here in this area?

16 A. This is another melted piece of plastic, much
17 more melted than the large sheet that we saw before.
18 And this is going to be that same bloody area at
19 evidence marker number 32.

20 Q. And so this cabinet is actually the cabinet that
21 would correspond with the -- next to the closet?

22 A. This area here. It is going to be on the same
23 cabinet that the bloodstains from evidence marker 31
24 were taken from, the face of the cabinet.

25 Q. So the majority of the blood at 32 is that in --

1 it's where you put the number, basically?

2 A. She got fairly close. I think it actually is
3 probably a little bit more centrally located in front of
4 the oven itself, but she also had to fit "30" in here.
5 I didn't make the diagram.

6 Q. Okay. But she had a lot of numbers to put in
7 there?

8 A. Yeah.

9 Q. Because in the kitchen, it was the least damaged?

10 A. If you're taking into consideration countertops
11 and the bar top, I don't know if I'd say it's the least
12 damaged. The kitchen floor was still in fairly good
13 shape.

14 Q. It also wasn't carpet, right?

15 A. Right.

16 Q. All right. How come you began to take pictures
17 of the inside of the cabinets?

18 A. That is standard protocol for me. I've found
19 things hidden basically in plain sight in cabinets, on
20 top of the refrigerators, in the back of toilet tanks.
21 I document areas that I feel may have something of
22 evidentiary value inside of them just as a course of
23 action.

24 Q. If you'll look at Defense Exhibits 44 through 63
25 and tell me if you recognize those pictures.

1 A. Yes, I do.

2 Q. And did you take all those pictures?

3 A. Yes, I did.

4 Q. And would these aid you in explaining to the
5 jurors the different things you found in her kitchen and
6 why you took the pictures?

7 A. Yes.

8 MS. KEENE: Judge, we'd offer at this time
9 Defense Exhibits 44 through 63.

10 THE COURT: Inclusively, no gaps?

11 MS. KEENE: Inclusively, no gaps.

12 MS. RAY: No objection, Your Honor.

13 THE COURT: All right. Defense 44, 45, 46,
14 47, 48, 49, 50, each admitted. Defense 51, 52, 53, 54,
15 55, 56, 57, 58, 59, 60, 61, 62, and 63 are also
16 admitted.

17 (Defendant's Exhibit No. 44 - 63 admitted)

18 MS. KEENE: Permission to publish with the
19 ELM0?

20 THE COURT: Yes.

21 Q. (BY MS. KEENE) What is this showing the jurors?

22 A. This is a photograph of the kitchen standing from
23 the vantage point of the front door looking towards the
24 pantry. The pantry door is open at this point to show
25 contents.

1 Q. And did you go through -- and we went -- all
2 these pictures here, you took pictures of all items in
3 the pantry?

4 A. I tried to document all of the cupboards, the
5 pantry, the refrigerator contents.

6 Q. You documented every drawer that you looked at;
7 is that correct?

8 A. Yes, ma'am.

9 Q. You documented every cabinet that you looked at?

10 A. Yes, ma'am.

11 Q. You opened up the microwave?

12 A. Yes.

13 Q. Is that correct?

14 A. Yes, ma'am.

15 Q. You opened up every drawer. You opened up the
16 kitchen refrigerator, correct?

17 A. Yes, ma'am.

18 Q. And other than the bottle of Bud Light, did you
19 find in any of these different places that you looked
20 cans of Bud Light or cans that were similar to the one
21 you'd found out in the living room area?

22 A. Not to my knowledge. Though I do not recall
23 taking everything out of the refrigerator.

24 Q. So unless it was somewhere back behind there, you
25 just did not see that?

1 A. Correct. I did not remove contents. And it is a
2 very full refrigerator.

3 Q. And it's full, all the drawers, but you pulled
4 the drawers open and took a picture, correct?

5 A. Yes. Yes.

6 Q. And you looked in the refrigerator -- in the
7 freezer, correct?

8 A. Yes.

9 Q. And what was significant about the Bud Light can
10 that you found to -- for you to collect and bring here
11 to court or give to the lab?

12 A. Cans, bottles, drinking cups, glasses, all of
13 those are things you put your mouth on. Cigarette butts
14 are also sometimes relevant. So these are good sources
15 for DNA, in most cases.

16 Q. And if there's no Bud Light cans in the house and
17 there's just one and it's empty and it's in the living
18 room area, is that also something that would be
19 significant as a crime scene officer that you would want
20 to collect in a scene like this?

21 A. It being empty is irrelevant, as long as it's
22 open. But yes, it is significant.

23 MS. KEENE: I will finish at this time. I'm
24 not passing the witness.

25 THE COURT: All right. Ms. Keene, can the

1 record reflect, as you discussed with the witness having
2 taken a picture of everything in the refrigerator and
3 the cabinets, you were flashing -- putting each of those
4 exhibits that just got in one at a time for couple of
5 seconds as she looked at them and as you talked?

6 MS. KEENE: Yes, sir.

7 THE COURT: All right. So that would have
8 been 44 through 54, you showed at least 90 percent of
9 them, if not all of them?

10 MS. KEENE: I did, Judge.

11 THE COURT: All right.

12 MS. KEENE: Not all of them, but most of
13 them.

14 THE COURT: All right.

15 State okay with that?

16 MS. RAY: Yes, Your Honor.

17 THE COURT: All right. Then it's 4:33 and
18 it's time to call it a weekend.

19 Blue card instructions now become more
20 important than they ever have because the exposure to
21 others when you're not too tired to talk, gives you
22 three days to rest up. Those of you who have been
23 dealing with the weather changes and the allergies and
24 what's affected us, I hope you feel better next week.
25 And thanks for sticking with us through this marathon,

1 if you will, at the courthouse. I'll see you Tuesday
2 morning. Y'all be at your regular pickup point.

3 And if the attorneys need the Court or the
4 court reporter for anything over the break, Monday we're
5 here. Otherwise, I'll expect to see y'all back her
6 about ten till 9:00 on Tuesday.

7 And with that, we'll be in recess.

8 Enjoy your weekend.

9 (Jury excused from courtroom)

10 THE COURT: Everyone else remain in the
11 courtroom until the jury has cleared the elevator.

12 (Recessed for the day at 4:35 p.m.)

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1 COURT REPORTER'S CERTIFICATE

2 THE STATE OF TEXAS)

3 COUNTY OF TARRANT)

4 I, Karen B. Martinez, Official Court Reporter in and
5 for the 372nd District Court of Tarrant County, State of
6 Texas, do hereby certify that the above and foregoing
7 contains a true and correct transcription of all
8 portions of evidence and other proceedings requested in
9 writing by counsel for the parties to be included in
10 this volume of the Reporter's Record, in the
11 above-styled and numbered cause, all of which occurred
12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of the
14 proceedings truly and correctly reflects the exhibits,
15 if any, admitted by the respective parties.

16 I further certify that the total cost for the
17 preparation of this Reporter's Record is **located at the**
18 **end of Volume 21.**

19 WITNESS MY OFFICIAL HAND this the 30th day of March,
20 2015.

21 /s/ Karen B. Martinez

22 Karen B. Martinez, Texas CSR 6735
23 Expiration Date: 12/31/2015
24 Official Court Reporter
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